

# Official Gazette



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**REPUBLIC ACTS**

H. No. 872

**FIRST CONGRESS OF THE REPUBLIC OF THE PHILIPPINES***Second Session*

Begun and held at the City of Manila on Monday, the twenty-seventh day of January, nineteen hundred and forty-seven

[REPUBLIC ACT NO. 105]

AN ACT TO AMEND SECTION THIRTEEN OF ACT NUMBERED TWENTY-ONE HUNDRED AND FIFTY-TWO, AS AMENDED, INCREASING THE FUNDS FOR THE OPERATION AND MAINTENANCE OF IRRIGATION SYSTEMS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section thirteen of Act Numbered Twenty-one hundred and fifty-two, as amended by section four of Act Numbered Thirty-five hundred and twenty-three, is further amended to read as follows:

"SEC. 13. In the event of the appropriators not organizing in accordance with the provisions of the next preceding section or during the time in which the rights of using the public water which have been appropriated are being determined and adjudicated the system shall be temporarily administered under this Act as follows:

(a) By the municipal council, when the system affects one municipality alone.

(b) By the provincial board, when it affects two or more municipalities of a province.

(c) By the Director of Public Works, when it affects two or more provinces.

The regulations issued for the administration, use, and distribution of waters shall be previously approved by the Irrigation Council, and in the preparation of those regulations all the persons interested shall be given a hearing.

The cost of this service shall be a lien upon the crops, in the first place, and in the second place, upon the land of the water users and ditch owners, in accordance with the distribution thereof, as shown by the accounts of the municipal council, the provincial board, or the Director of Public Works, which distribution shall be based upon the irrigable area held by each appropriator or ditch owner, in proportion to the total area served by the system: *Provided, however,* That the funds necessary to defray the administration expenses prior to the expiration of each

agricultural year (the period intervening between the beginning of the planting and the completion of the harvesting of the crops), in accordance with the appropriation, shall be advanced by the municipality or the province out of its funds, or by the Director of Public Works, out of any unappropriated funds in the National Treasury, and shall be reimbursed by the land-owner or ditch owner at the end of each year with interest at the rate of four *per centum*: *Provided further*, That the funds that may be advanced by the Director of Public Works shall not exceed one million pesos in any one year: *Provided, finally*, That in the event of the municipalities or provincial boards being without funds to cover these expenses the administration of such system shall be given to the Director of Public Works for such time as the funds advanced to meet said expenses are paid from the National Treasury.

The municipal and provincial treasurers shall, in the performance of their official duties, collect the charges for administration expenses for each year upon the completion of each harvest, acting in this respect as delegates of the Director of Public Works. Such lien shall have preference over all other liens except that for taxes on the land and any mortgage lien in favor of the Philippine Agricultural Bank, or its successor, and such preferred lien shall not be removed until all charges are paid or the property is sold for payment thereof. Within one year after default of payment on an installment payable on any parcel of land, the municipal mayor, the provincial governor or the Director of Public Works shall file with the clerk of the Court of First Instance of the district in which the land is situated, a list of all lands upon which default has been made. The clerk of the court shall thereupon publish in the manner provided for the publication of the summons in a civil action, a list of the lands so filed by the Director of Public Works, accompanied by a notice requiring the owners to file an answer thereto within thirty days after the completion of the publication.

Upon the filing of an answer by the person interested, the action in respect to such person shall proceed to judgment, as provided for other actions by the Rules of Court. Upon termination of such thirty days, judgment shall be entered against such persons as have not answered, and their lands, or the portion thereof, deemed necessary, shall be sold, after ten days' public notice, at public auction by the sheriff to satisfy such preferred lien.

Any excess over the amount of said lien and the cost of such procedure shall be returned to the interested person who shall have one year thereafter to redeem his land by payment of the amount of judgment, and costs with interest

at six *per centum*: *Provided, however*, That in the event of the cost of maintenance being so exceptionally high in any year that it exceeds fifty *per centum* of the net profits, such exceptional cost shall be distributed in an equitable manner, over two or more years, but not more than five; *And provided, further*, That in the case in which a crop is unharvested at the time of the execution of the lien the execution shall be levied first on said crop.

In the preparation of the regulations mentioned in this and the next preceding section, the customs and usages of each locality shall be taken into consideration, and in these regulations one day of the year shall be fixed for a meeting of all the persons interested for the purpose of preparing an estimate of expenditure of the next succeeding year."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 892

[REPUBLIC ACT No. 106]

AN ACT TO AMEND SECTION ONE OF COMMONWEALTH ACT NUMBERED SIXTY-THREE, ENTITLED "AN ACT PROVIDING FOR THE WAYS IN WHICH PHILIPPINE CITIZENSHIP MAY BE LOST OR REACQUIRED."

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one of Commonwealth Act Numbered Sixty-three is amended to read as follows:

"SECTION 1. *How citizenship may be lost.*—A Filipino citizen may lose his citizenship in any of the following ways and/or events:

- (1) By naturalization in foreign country;
- (2) By express renunciation of citizenship;
- (3) By subscribing to an oath of allegiance to support the constitution or laws of a foreign country upon attaining twenty-one years of age or more: *Provided, however*, That a Filipino may not divest himself of Philippine citizenship in any manner while the Republic of the Philippines is at war with any country;

- (4) By rendering service to, or accepting commission in, the armed forces of a foreign country: *Provided*, That the rendering of service to, or the acceptance of such commission in, the armed forces of a foreign country, and the taking of an oath of allegiance incident thereto, with the consent of the Republic of the Philippines, shall not divest a Filipino of his Philippine citizenship if either of the following circumstances is present:

(a) The Republic of the Philippines has a defensive and/or offensive pact of alliance with the said foreign country; or

(b) The said foreign country maintains armed forces on Philippine territory with the consent of the Republic of the Philippines: *Provided*, That the filipino citizen concerned, at the time of rendering said service, or acceptance of said commission, and taking the oath of allegiance incident thereto, states that he does so only in connection with his service to said foreign country: *And provided finally*, That any filipino citizen who is rendering service to, or is commissioned in, the armed forces of a foreign country under any of the circumstances mentioned in paragraph (a) or (b), shall not be permitted to participate nor vote in any election of the Republic of the Philippines during the period of his service to, or commission in, the armed forces of said foreign country. Upon his discharge from the service of the said foreign country, he shall be automatically entitled to the full enjoyment of his civil and political rights as a filipino citizen;

(5) By cancellation of the certificates of naturalization;

(6) By having been declared by competent authority, a deserter of the Philippine armed forces in time of war, unless subsequently, a plenary pardon or amnesty has been granted; and

(7) In the case of a woman, upon her marriage to a foreigner if, by virtue of the laws in force in her husband's country, she acquires his nationality."

SEC. 2. This Act shall take effect upon its approval, but the benefits thereunder shall accrue to persons who, prior thereto, have lost Philippine citizenship under the provisions of Commonwealth Act Numbered Sixty-three but come within the proviso of paragraph (4) of section one of said Act as herein amended.

Approved, June 2, 1947.

H. No. 902

[REPUBLIC ACT No. 107]

AN ACT SETTING A NEW TIME LIMIT WITHIN WHICH IMPERFECT OR INCOMPLETE TITLES COVERING LANDS OF THE PUBLIC DOMAIN MAY BE JUDICIALLY CONFIRMED, AMENDING FOR THIS PURPOSE SECTIONS FORTY-FIVE AND FORTY-SEVEN OF THE PUBLIC LAND ACT, AS AMENDED BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND NINETY-TWO.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Sections forty-five and forty-seven of Commonwealth Act Numbered One hundred and forty-one, otherwise known as the Public Land Act as amended by Commonwealth Act Numbered Two hundred and ninety-two are further amended to read as follows:

"SEC. 45. The President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time fix by proclamation the period within which applications for free patents may be filed in the district, chartered city, province, municipality, or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the land comprised within such district, chartered city, province, municipality, or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this chapter shall not extend beyond December thirty-first, nineteen hundred and fifty-seven, except in the Provinces of Agusan, Cotabato, Bukidnon, Lanao, Davao, Sulu, and Mountain Province, where the President of the Philippines shall determine or fix the time beyond which the filing of applications under this chapter shall not extend. The period fixed for any district, chartered city, province, or municipality shall begin to run thirty days after the publication of the proclamation in the *Official Gazette*. A certified copy of said proclamation shall be furnished to the Director of Lands and to the provincial board and the municipal board or city council affected, and copies thereof shall be posted on the bulletin board of the Bureau of Lands at Manila and at conspicuous places in the provincial building and the municipal building. It shall, moreover, be announced by crier in each of the barrios of the municipality.

"SEC. 47. The persons specified in the next following section are hereby granted time, not to extend beyond December thirty-first, nineteen hundred and fifty-seven within which to take advantage of the benefit of this chapter: *Provided*, That the several periods of time designated by the President in accordance with section forty-five of this Act shall apply also to the lands comprised in the provisions of this chapter, but this section shall not be construed as prohibiting any of said persons from acting

under this chapter at any time prior to the period fixed by the President."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 995

[REPUBLIC ACT NO. 108]

AN ACT TO AMEND SECTION SIXTEEN HUNDRED AND TWENTY-SIX OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section sixteen hundred and twenty-six of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, is hereby amended to read as follows:

"SEC. 1626. *Issuance of treasury certificates.*—The Treasurer of the Philippines is hereby authorized, in his discretion, to receive at the National Treasury or at any of its branches, deposits of silver pesos, half pesos and other silver coins authorized herein, in sums of not less than twenty pesos, and to issue therefor treasury certificates of an equivalent face amount, in denominations of not less than one peso, nor more than five hundred pesos. Coins so received shall be retained in the Treasury and held for the payment of such certificates, on demand, and used for no other purpose, and shall constitute a separate and trust fund in the National Treasury, to be known as the 'Treasury Certificate Fund.'

The 'Treasury Certificate Fund' shall at all times be equivalent in amount to one hundred *per centum* of all treasury certificates in circulation and available for circulation, and shall be constituted of silver coins received in exchange for the treasury certificates, and shall be held in the vaults of the National Treasury in Manila, and not elsewhere: *Provided, however,* That when the Government's supply of silver coins is insufficient to meet the demands of trade, legal tender currency of the United States may be substituted temporarily for silver coins in the fund to such an extent as may be found necessary to release silver coins for circulation, pending the purchase of silver bullion for the coinage of silver coins, which silver coins shall immediately be substituted for the United States legal tender currency placed in the fund: *And provided, further,* That as first set up and established by the provisions of this Act and thereafter until the President

of the Philippines in writing may direct the purchase of silver bullion for the coinage of additional silver coins, the 'Treasury Certificate Fund' instead of being constituted wholly of silver coins held in the vaults of the National Treasury in Manila, may be constituted in part of legal tender currency of the United States held in Manila or dollar deposits with the Secretary of the Treasury of the United States or with such Federal Reserve Banks or member banks of the Federal Reserve System in the United States as may from time to time be designated by the President of the Philippines to be branches of the Philippine Treasury for receiving such deposits. The 'Treasury Certificate Fund' shall be segregated physically from all other funds in the National Treasury, and it shall be held under the joint custody of the Reserve Vault Committee."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 1006

[REPUBLIC ACT NO. 109]

AN ACT AMENDING SECTION TEN, COMMONWEALTH ACT NUMBERED SIX HUNDRED AND FIFTY-THREE, BY INCREASING THE DOCUMENTARY STAMP TO BE AFFIXED BY AN ALIEN TO CERTIFICATE OF REGISTRATION.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section ten of Commonwealth Act Numbered Six hundred and fifty-three, otherwise known as the Philippine Alien Registration Act of 1941, is amended so as to read as follows:

"SEC. 10. Every alien subject to the provisions of this Act shall, within the first sixty days of every calendar year report in person to the Bureau of Immigration, if residing in the City of Manila, or to the office of the respective city or municipal treasurer, if residing in another locality. The official in charge shall thereupon make a proper notation to that effect on the registration certificate, to which notation a five-peso documentary stamp furnished by the alien shall be affixed. The parent or legal guardian of an alien who is less than fourteen years of age, shall have the duty of reporting for such alien: *Provided*, That whenever any such alien attains his fourteenth birthday in the Philippines, he shall thereafter report in person and furnish the required five-peso documentary stamp once a year within the period and at the place above designated.

Failure to make the report herein required shall cause the cancellation of the corresponding registration certificate."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 1018

[REPUBLIC ACT No. 110]

AN ACT TO AUTHORIZE THE PRINTING AND ISSUE  
OF SEMI-POSTAL STAMPS FOR CERTAIN PURPOSES.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. To help in raising funds for the construction of war memorials and for the benefit of war widows and orphans and disabled veterans of the recent World War, the Director of Posts, subject to the approval of the Department Head, is hereby authorized to order the printing and issue of semi-postal stamps of different denominations with face value showing the regular postage charge plus the additional amount destined for the purpose for which issued. The additional sums realized from the sale of these semi-postal stamps shall be deposited with the National Treasurer or his deputies, to be disbursed in favor of the special funds for which the stamps were issued, subject to the usual accounting and auditing regulations.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 1019

[REPUBLIC ACT No. 111]

AN ACT AMENDING SECTION NINE OF ACT NUMBERED THREE THOUSAND NINE HUNDRED AND FIFTY-TWO, ENTITLED "AN ACT TO REGULATE THE SALE, TRANSFER, MORTGAGE OR ASSIGNMENT OF GOODS, WARES, MERCHANDISE, PROVISIONS OR MATERIALS, IN BULK, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF."

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section nine of Act Numbered Three thousand nine hundred and fifty-two is hereby amended so as to read as follows:

"SEC. 9. The sworn statement containing the names and addresses of all creditors of the vendor or mortgagor pro-



vided for in section three of this Act, shall be registered in the Bureau of Commerce. For the registration of each such sworn statement a fee of five pesos shall be charged to the vendor or mortgagor of the stock of goods, wares, merchandise, provisions or materials, in bulk."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

H. No. 1117

[REPUBLIC ACT NO. 112]

AN ACT APPROPRIATING THE SUM OF FIVE HUNDRED THOUSAND PESOS FOR THE IMPROVEMENT OF THE PORT OF MANILA BY DREDGING THE HARBORS, THE PASIG RIVER, AND THE NAVIGABLE ESTEROS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The sum of five hundred thousand pesos or so much thereof as may be necessary, is hereby appropriated out of the Port Works Fund created by Act Numbered Thirty-five hundred and ninety-two, as amended by Commonwealth Act Numbered One hundred thirty, not otherwise appropriated, for the improvement and rehabilitation of the Port of Manila by dredging the harbors, the mouth of the Pasig River and the navigable esteros, including the purchase of necessary equipment, materials, and supplies in connection with this work; said sum to be expended by the Secretary of Public Works and Communications, with the approval of the President of the Philippines.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1947.

S. No. 64

[REPUBLIC ACT NO. 113]

AN ACT AUTHORIZING THE REGISTER OF DEEDS TO USE THE SEAL OF HIS OFFICE, INSTEAD OF THAT OF THE COURT OF FIRST INSTANCE, IN CERTIFICATES OF TITLE AND OTHER PAPERS WHICH REQUIRE A SEAL AND WHICH ARE ISSUED BY HIS OFFICE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The provisions of existing law to the contrary notwithstanding, all certificates of title, certified copies of documents, certificates of entry or registration, and other papers which require a seal, and which are issued by

the register of deeds of the province or city, shall be sealed with the seal of his office.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 7, 1947.

S. No. 160

[REPUBLIC ACT No. 114]

AN ACT TO AMEND SECTION SIX HUNDRED SEVENTY-ONE, SUBSECTION (h) OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN AS AMENDED, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section six hundred and seventy-one, subsection (h) of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 671. *Persons embraced in unclassified service.*—The following officers and employees constitute the unclassified service:

"(h) All laborers whether emergency, seasonal, or permanent, irrespective of salaries."

SEC. 2. *Effectivity of this Act.*—This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 965

[REPUBLIC ACT No. 115]

AN ACT TO PROVIDE FUNDS FOR REFORESTATION AND AFFORESTATION OF DENUDED AREAS AND COGON OR OPEN LANDS WITHIN FOREST RESERVES, COMMUNAL FOREST, NATIONAL PARKS, TIMBER LANDS, SAND DUNES, AND OTHER PUBLIC FOREST LANDS IN THE PHILIPPINES, PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. There shall be collected, in addition to the regular forest charges provided for under section two hundred and sixty-four of Commonwealth Act Numbered Four hundred sixty-six, known as the National Internal Revenue Code, the amount of fifty centavos on each cubic meter of timber for the first and second groups and forty centavos for the third and fourth groups cut out and

removed from many public forest for commercial purposes. The amount collected shall be expended by the Director of Forestry, with the approval of the Secretary of Agriculture and Commerce, for reforestation and afforestation of watersheds, denuded areas and cogon and open lands within forest reserves, communal forest, national parks, timber lands, sand dunes, and other public forest lands, which, upon investigation, are found needing reforestation or afforestation, or needing to be under forest cover for the growing of economic trees for timber, tannin, oils, gums, and other minor forest products or medicinal plants, or for watersheds protection, or for prevention of erosion and floods and preparation of necessary plans and estimate of costs and for reconnaissance survey of public forest lands and for such other expenses as may be deemed necessary for the proper carrying out of the purposes of this Act.

All revenues collected by virtue of, and pursuant to, the provisions of the preceding paragraph and from the sale of barks, medicinal plants and other products derived from plantations as herein provided shall constitute a fund to be known as "Reforestation Fund," to be expended exclusively in carrying out the purposes provided for under this Act. All provincial or city treasurers and their deputies shall act as agents of the Director of Forestry for the collection of the revenues or incomes derived from the provisions of this Act.

SEC. 2. The Director of Forestry, with the approval of the Secretary of Agriculture and Commerce, is hereby empowered to promulgate the necessary rules and regulations to carry into effect the purposes of this Act.

SEC. 3. The Director of Forestry shall submit an annual report to the President of the Philippines, through the Secretary of Agriculture and Commerce, on the results of the work accomplished under this Act, specifying the location and area of the sections reforested or afforested, the costs of the works, the income derived from this Act, including the sale or disposition of the products derived from such plantations, and such other data as may, in his judgment, be found necessary for the information of the President.

SEC. 4. Any person, corporation, association or partnership which shall fail to pay upon demand the amount collectible under the provisions of this Act or of any rules or regulations promulgated thereunder shall be liable for the payment of a fine of not less than five hundred pesos and to pay, in addition thereto, a surcharge of twenty-five *per centum* of the amount due. For failure to pay the amount due including fines and surcharges within

sixty days after the same has become due and payable, the same shall be considered as sufficient cause for the cancellation of the license and the forfeiture of the corresponding bond deposit of the license concerned.

SEC. 5. All existing laws of parts thereof contrary to the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 996

[REPUBLIC ACT NO. 116]

AN ACT TO AMEND SECTION ONE HUNDRED AND NINETY-EIGHT OF THE REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one hundred and ninety-eight of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 198. *Registration of chattel mortgages and fees collectible in connection therewith.*—Every register of deeds shall keep a book of records of chattel mortgages; shall certify on each mortgage left for record the date, hour, and minute when the same was by him received; record in such book any chattel mortgage, transfer, or discharge, which shall be presented to him in duplicate, the original to be filed and the duplicate to be returned to the person concerned.

The record shall be effected by making an entry, which shall be given a correlative number, setting forth the names of the mortgagee and the mortgagor, the sum or obligation guaranteed, date of the instrument, name of the notary acknowledging the same, and a note that the property mortgaged is mentioned in detail in the instrument filed, giving the proper file number thereof.

The register shall also certify the officer's return of sale upon any mortgage, making reference upon the margin of the record of such officer's return to the volume and page of the record of the mortgage, and a reference of such return on the record of the mortgage itself, and give a certified copy thereof, when requested, upon the payment of the lawful fees for such copy; and certify upon each mortgage officer's return of sale or discharge of mortgage, both on the original and on the duplicate, the date, hour, and minute when the same is received for record and record such certificate with the return itself and keep an alphabetical index of mortgagors and mortgagees, which record and index shall be open to public inspection.

Duly certified copies of such records and of filed instruments shall be receivable as evidence in any court.

A register of deeds shall collect the following fees for services under this section:

(a) For record of filing of any document, fifty centavos.

(b) For filing and recording each chattel mortgage, including the necessary certificates and affidavits, the fees established in the following schedule shall be collected:

1. When the amount of the mortgage does not exceed six thousand pesos, three pesos for the first five hundred pesos or fractional part thereof, and one peso for each additional five hundred pesos or fractional part thereof.
2. When the amount of the mortgage is more than six thousand pesos but does not exceed thirty thousand pesos, seventeen pesos for the initial amount not exceeding eight thousand pesos, and three pesos for each additional two thousand pesos or fractional part thereof.
3. When the amount of the mortgage is more than thirty thousand pesos but does not exceed one hundred thousand pesos, fifty-five pesos for the initial amount not exceeding thirty-five thousand pesos, and five pesos for each additional five thousand pesos or fractional part thereof.
4. When the amount of the mortgage is more than one hundred thousand pesos, but does not exceed five hundred thousand pesos, one hundred and twenty-seven pesos for the initial amount not exceeding one hundred ten thousand pesos, and seven pesos for each additional ten thousand pesos or fractional part thereof.
5. When the amount of the mortgage is more than five hundred thousand pesos, four hundred ten pesos for the initial amount not exceeding five hundred twenty thousand pesos, and ten pesos for each additional twenty thousand pesos or fractional part thereof.

(c) For recording each instrument of sale, conveyance, and transfer of a mortgage credit, whatever be the amount, three pesos.

(d) For recording each notice of embargo, including the necessary index and annotations, three pesos.

(e) For recording each release of mortgage, including the necessary index and references, one peso.

(f) For recording each release of embargo, including the proper annotations, one peso.

(g) For recording each sheriff's return of sale, including the index and references, for each one hundred words, two pesos.

(h) For certified copies of records, such fees as are allowed by law for copies of records kept by the register of deeds.

(i) For issuing a certificate relative to, or showing the existence or non-existence of, an entry in the registration book, or a document on file, for each certificate containing not more than two hundred words, two pesos; if it exceeds that number, an additional fee of thirty centavos shall be collected for every one hundred words in excess of the first two hundred."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 997

[REPUBLIC ACT No. 117]

AN ACT TO AMEND SECTION ONE HUNDRED AND FOURTEEN OF ACT NUMBERED FOUR HUNDRED AND NINETY-SIX, ENTITLED "THE LAND REGISTRATION ACT," AS AMENDED, FIXING A NEW SCHEDULE OF FEES FOR CLERKS OF COURTS, SHERIFFS AND REGISTERS OF DEEDS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one hundred and fourteen of Act Numbered Four hundred and ninety-six, entitled "The Land Registration Act," as amended, is hereby further amended to read as follows:

"SEC. 114. Fees payable under this Act shall be as follows:

A. *Fees payable to the Clerk of Court.*—The fees payable to the clerk of court or his deputies shall be as follows:

1. For filing an application for the registration of land, the fees shall be based on the assessed value of the property for the current year, in accordance with the following schedule—

(a) When the value of the property does not exceed two thousand pesos, fifteen pesos for the first five hundred pesos, or fractional part thereof, and five pesos for each additional five hundred pesos, or fractional part thereof.

(b) When the value of the property is more than two thousand pesos but does not exceed ten thousand pesos, thirty-five pesos for the first three thousand pesos, or fractional part thereof, and five pesos for each additional one thousand pesos, or fractional part thereof.

(c) When the value of the property is more than ten thousand pesos but does not exceed one hundred thousand pesos, eighty pesos for the first twenty thousand pesos, or fractional part thereof, and ten pesos for each additional ten thousand pesos, or fractional part thereof.

(d) When the value of the property is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, one hundred eighty pesos for the first one hundred twenty-five thousand pesos, or fractional part thereof, and twenty pesos for each additional twenty-five thousand pesos, or fractional part thereof.

(e) When the value of the property is more than five hundred thousand pesos, five hundred twenty pesos for the first five hundred fifty thousand pesos, or fractional part thereof, and forty pesos for each additional fifty thousand pesos, or fractional part thereof.

If the property has not been assessed for taxation, the fees above prescribed shall be based on the current market value, and the applicant shall file with his application a sworn declaration of three disinterested persons that the value fixed by him is to their knowledge a fair valuation.

2. For filing a petition for review of decree, or other claim adverse to the registered owner, for each petition, six pesos.

3. For filing a petition after the decision has become final, three pesos. If it affects land decreed in more than one case, for each additional case, one peso. If it affects several lots or parcels of land in which the petitioners have no common interests, each of such petitioners shall pay the corresponding fees as if separate petition has been filed by him.

B. *Fees payable to the Sheriff.*—The sheriff shall collect fees for his services rendered in connection with land registration and cadastral proceedings as follows:

1. For posting notices of initial hearing of land registration cases in conspicuous places on the lands described in the notice, for each parcel of land on which a copy of such notice is posted, besides travel fees, three pesos.

2. For posting notices of initial hearing of cadastral cases in conspicuous places on the lands included in the survey, for each group of one hundred lots on which a copy of the notice is posted, besides travel fees, three pesos.

3. For posting one copy of a notice of initial hearing in a conspicuous place upon the chief municipal building of the city, municipality, or municipal district in which the land or portion thereof lies, besides travel fees, two pesos.

4. For serving notices upon cadastral claimants to appear before the court, travel fees only as provided in the Rules of Court.

5. For all other services not mentioned above, the same fees including travel fees as provided in the Rules of Court for similar services.

*C. Fees payable to the Register of Deeds.*—The register of deeds shall collect fees for all services rendered by him under this Act in accordance with the following schedule:

1. For the entry of one original certificate of title, and issuing one duplicate certificate, six pesos for the first parcel of land described thereon, and one peso for each additional parcel: *Provided, however,* That in case of certificates of title under the Cadastral Act, the fees for entering one original certificate of title and issuing the owner's duplicate thereof, when the total value of the lots included therein does not exceed five hundred pesos, and irrespective of the number of such lots, shall be one peso for every one hundred pesos, or fractional part thereof.

2. For each entry in the primary entry book, fifty centavos.

3. For the annotation of an attachment or dissolution thereof, certificate of sale at public auction by virtue of an order of execution, or repurchase of the property so sold, for each parcel of land affected thereby, one peso and fifty centavos.

4. For the annotation of a notice of *lis pendens*, the cancellation thereof, or any annotation in connection therewith, for each parcel of land affected thereby, one peso and fifty centavos.

5. For the annotation of an affidavit of consolidation of ownership over a property sold with *pacto de retro* but not redeemed by the vendor within the stipulated time, for each parcel of land affected thereby, one peso and fifty centavos.

6. For the annotation of a release of mortgage or other encumbrance, for each parcel of land, one peso and fifty centavos; but the total amount of fees to be collected shall not exceed the amount of fees paid for the registration of such mortgage or encumbrance.

7. For the annotation of an order of the court for the amendment of a certificate of title, except inclusion of buildings and/or improvements, or any order directing the registration of a document, one peso and fifty centavos for each certificate of title, in addition to the fees prescribed under paragraph sixteen or seventeen, as the case may be, of this subsection, if the same are also due, for the registration of such document.



8. For the annotation of an order of the court for the inclusion of buildings and/or improvements in a certificate of title three pesos for each certificate of title if the buildings or improvements belong to a person other than the registered owner of the land. If they belong to the same registered owner, the fees shall be based on the value of such buildings and improvements in accordance with the schedule prescribed under paragraphs sixteen or seventeen, as the case may be, of this subsection.

9. For registering and filing a power of attorney, letters of administration whether or not accompanied by a copy of the testament, appointment of guardian for a minor or incompetent person, appointment of receiver, trustee, or administrator, articles of incorporation of any corporation, association or partnership, or resolution of its board of directors empowering an officer or member thereof to act in behalf of the same five pesos; and for the annotation of such papers on certificates of title when required by existing laws or regulations, one peso for each certificate of title so annotated. For registering and filing an instrument of revocation of any of said papers, one peso; and if annotated on the corresponding certificate of title, one peso for each certificate of title.

10. For the annotation of a notice of tax lien or any description, notice of lost duplicate or copy of a certificate of title, order of the court declaring such duplicate or copy null and void, notice of change of address, or the cancellation of any such annotation, for each certificate of title, one peso.

11. For transferring the memorandum of an encumbrance of any kind from one certificate of title which is cancelled to a new one issued in lieu thereof in the name of a new owner, one peso.

12. For any memorandum made in a certificate of title for which no specific fee is prescribed above, for each certificate of title, one peso and fifty centavos.

13. For the issuance of a transfer certificate of title, including its duplicate, to a trustee, executor, administrator, or receiver, or for the cancellation of such certificate of title and issuance of a new one, including its duplicate, to the *cestui que trust*, in case of trusteeship, five pesos. If the certificate covers more than one parcel or lot, an additional fee of one peso shall be collected for each additional parcel or lot.

14. For the issuance of a transfer certificate of title, including its duplicate, to a person other than those named in the next preceding paragraph, two pesos, in addition to the fees hereinafter prescribed in paragraph sixteen or seventeen, as the case may be, of this subsection, if the

same are also due. If the certificate covers more than one parcel or lot, an additional fee of one peso shall be collected for each additional parcel or lot.

15. For the issuance of a new or additional duplicate or copy of a certificate of title, one peso for the first page and fifty centavos for each subsequent page.

16. For the registration of a deed of sale, conveyance, transfer, exchange, partition, or donation; a deed of sale with *pacto de retro*, conditional sale, or any sale subject to redemption, or the repurchase or redemption of the property so sold; any instrument, order, judgment or decree divesting the title of the registered owner except in favor of a trustee, executor, administrator or receiver; any mortgage, surety, bond, lease, easement, right-of-way, or other real right or lien created or constituted by virtue of a distinct contract or agreement, and not as an incidental condition of a sale, transfer or conveyance; or the assignment, enlargement, extension or novation of a mortgage or of any other real right, where no specific fee is prescribed therefor in the preceding paragraphs, the fees shall be based on the value of the consideration in accordance with the following schedule:

(a) When the value of the consideration does not exceed six thousand pesos, three pesos for the first five hundred pesos, or fractional part thereof, and one peso for each additional five hundred pesos, or fractional part thereof.

(b) When the value of the consideration is more than six thousand pesos but does not exceed thirty thousand pesos, seventeen pesos for the first eight thousand pesos, or fractional part thereof, and three pesos for each additional two thousand pesos, or fractional part thereof.

(c) When the value of the consideration is more than thirty thousand pesos but does not exceed one hundred thousand pesos, fifty-five pesos for the first thirty-five thousand pesos, or fractional part thereof, and five pesos for each additional five thousand pesos, or fractional part thereof.

(d) When the value of the consideration is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, one hundred twenty-seven pesos for the first one hundred ten thousand pesos, or fractional part thereof, and seven pesos for each additional ten thousand pesos, or fractional part thereof.

(e) When the value of the consideration is more than five hundred thousand pesos, four hundred ten pesos for the first five hundred twenty thousand pesos, or fractional part thereof, and ten pesos for each additional twenty thousand pesos, or fractional part thereof.

17. In the following transactions, the basis of the fees collectible under paragraph sixteen of this subsection, in-

stead of the value of the consideration, shall be as hereunder set forth:

(a) In the exchange of real property the basis of the fees to be paid by each party shall be the assessed value of the properties acquired by one party from the other, in addition to the value of any other consideration, if any, stated in the contract.

(b) In the transmission of an hereditary estate without partition or subdivision of the property among the heirs, devisees, or legatees, the basis shall be the total assessed value of the property thus transmitted.

(c) In the partition of an hereditary estate which is still in the name of the deceased, in which determinate properties are adjudicated to each heir, devisee or legatee, or to each group of heirs, devisees or legatees, the basis of the fees to be paid by each person or group, as the case may be, shall be the total assessed value of the properties thus adjudicated to each person or group. In the case, however, of conjugal property, the registration of one-half thereof in the name of the surviving spouse shall be exempt from the fees collectible under paragraph sixteen of this subsection.

(d) In the partition of real property held in common by several registered co-owners, the basis of the fees to be paid by each co-owner shall be the total assessed value of the property taken by each co-owner.

(e) In the sale, conveyance or transfer of two or more parcels of land in favor of two or more separate parties but executed in one single instrument, the basis shall be the total selling price paid by each party-buyer, or, in the case of lump sum consideration, such portion thereof as apportioned in accordance with the assessed value of the respective land acquired by each party-buyer.

(f) In contracts of lease, the basis shall be the sum total to be paid by the lessee during the entire period specified in the contract, including the extension contemplated by the parties which may be given effect without the necessity of further registration. If the period is from year to year, or otherwise not fixed, the basis shall be the total amount of rentals due for twenty-four months.

(g) In other transactions where the actual value of the consideration is not fixed in the contract or cannot be determined from the terms thereof, the basis shall be the current assessed value of such property.

18. For furnishing copies of any entry, decree, document, or other papers on file, twenty centavos for each hundred words or fraction thereof contained in the copies thus furnished.

19. For certifying a copy furnished under the next preceding paragraph, for each certification, fifty centavos.

20. For issuing a certificate relative to, or showing the existence or non-existence of, an entry in the registration books or a document on file, for each certificate containing not more than two hundred words, two pesos; if it exceeds that number an additional fee of thirty centavos shall be collected for every one hundred words in excess of the first two hundred."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 1007

[REPUBLIC ACT No. 118]

AN ACT REQUIRING ALIENS SEEKING TO ENTER THE PHILIPPINES TO PAY THE SUM OF FIFTY PESOS FOR EACH CERTIFICATE OF RESIDENCE, THEREBY AMENDING ITEM (10) OF PARAGRAPH (a) OF SECTION FORTY-TWO OF COMMONWEALTH ACT NUMBERED SIX HUNDRED AND THIRTEEN.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Item (10) of paragraph (a) of section forty-two of Commonwealth Act Numbered Six hundred and thirteen, otherwise known as the Philippine Immigration Act of nineteen hundred and forty, is hereby amended so as to read as follows:

"(10) Certificate of residence ..... 50.00"

SEC. 2. This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 1017

[REPUBLIC ACT No. 119]

AN ACT TO AMEND SECTION NINETEEN HUNDRED SIXTY-EIGHT OF THE REVISED ADMINISTRATIVE CODE SO AS TO CHANGE IN TERMS OF PESOS, PHILIPPINE CURRENCY, INSTEAD OF DOLLARS, UNITED STATES CURRENCY, THE MAXIMUM AMOUNT FOR WHICH A MONEY ORDER MAY BE ISSUED.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section nineteen hundred sixty-eight of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 1968. *Maximum amount payable by money order.*—No money order shall be issued for a greater sum than two hundred pesos Philippine currency; and unless speci-

fically authorized by the Director of Posts, no postmaster shall directly or indirectly sell more than ten money orders in one day to one party payable to the same person."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 7, 1947.

H. No. 37

[REPUBLIC ACT No. 120]

AN ACT AMENDING ARTICLE THREE HUNDRED AND TEN OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Article three hundred and ten of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, as amended by Commonwealth Act Numbered Four hundred and seventeen, is hereby further amended to read as follows:

"ART. 310. *Qualified theft.*—The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of a plantation, or fish taken from a fish-pond or fishery.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

S. No. 163

[REPUBLIC ACT No. 121]

AN ACT TO FURTHER AMEND SECTION EIGHTEEN HUNDRED AND THIRTY-EIGHT OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-EIGHT HUNDRED AND TWENTY AND COMMONWEALTH ACT NUMBERED ONE HUNDRED.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section eighteen hundred and thirty-eight of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended by Act Numbered Thirty-eight hundred and twenty and Commonwealth

Act Numbered One hundred, is hereby further amended to read as follows:

"SEC. 1838. *Leasing of forest land for special purposes.*—

The Director of Forestry with the approval of the Secretary of Agriculture and Commerce, may, upon such terms as he may deem reasonable, lease or grant to any Filipino citizen or association of persons duly incorporated and authorized by the Constitution to acquire lands of the public domain, permits for the use of forest lands or vacant public lands not declared agricultural land, for a period not exceeding twenty-five years, for the establishment of saw-mills, lumber yards, timber depots, logging camps, rights-of-way and plantations for the raising of nipa and/or other palms, bacauan, medicinal plants or trees of economic value, and for the construction of hotels, sanatoria, bathing establishments, residences, or camps, fishponds, saltworks pastures for large or small cattle or for other lawful purposes for an area not exceeding twenty-four hectares: *Provided*, That the maximum area shall not exceed two thousand hectares for pastures and plantations for the raising of medicinal plants or trees of economic value and two hundred hectares for fishponds, saltworks nipa and/or other palms or bacauan plantations, and rights-of-way.

"Any person or association of persons occupying or using any part of the forest land or vacant public land not declared agricultural land without permit or lease as above required shall be liable to the payment of twice the regular rentals now or hereafter provided for by regulations for such kind of use corresponding to such period that the area is illegally used or occupied. The holder of a permit or lease shall, upon his failure to pay the regular rental charges prescribed in the permit or lease, be liable to the payment of additional charges from ten to one hundred *per centum* of such regular rental charges now or hereafter provided for by regulations promulgated under this Act."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

S. No. 187

[REPUBLIC ACT No. 122]

AN ACT TO AMEND CERTAIN PROVISIONS OF ACT NUMBERED THIRTY-NINE HUNDRED AND FIFTEEN, ENTITLED "AN ACT PROVIDING FOR THE ESTABLISHMENT OF NATIONAL PARKS, DECLARING SUCH PARKS AS GAME REFUGES, AND FOR OTHER PURPOSES."

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Act Numbered Thirty-nine hundred and fifteen is amended by inserting after section seven a new section to be known as section seven-A, which shall read as follows:

"SEC. 7-A. Officers and employees of the Bureau of Forestry who may be designated in writing by the Secretary of Agriculture and Commerce upon the recommendation of the Director of Forestry shall, in addition to the performance of their duties prescribed under the forest laws and regulations, act as peace officers for the purpose of maintaining peace and order within national parks. As peace officers, they shall exercise police supervision over national parks, and may arrest any person found in any place within national parks under suspicious circumstances as reasonably tending to show that such person has committed or is about to commit an offense against the provisions of this Act or any other law or pertinent regulation.

"Any officer or employee of the Bureau of Forestry making arrest under the provisions of this Act shall, without unnecessary delay and within the time prescribed in the Revised Penal Code, take the person arrested to the proper court or judge to be dealt with according to law."

SEC. 2. Section eight of Act Numbered Thirty-nine hundred and fifteen is hereby amended to read as follows:

"SEC. 8. Any person, association or corporation who shall violate any provision of this Act or regulations promulgated thereunder or shall without permit or license occupy any portion of the national parks, or shall in any manner destroy or damage the timber or other forest products or forest cover therein or shall mutilate, deface or destroy objects of natural beauty or of scenic value within the national parks, except as otherwise provided in this Act, shall be liable to a fine of four times the regular Government charges on the timber or other forest products so unlawfully destroyed, and in addition thereto suffer an imprisonment for not less than four months nor more than six months: *Provided*, That if the area is reforested or under reforestation, the Government may in addition to the penalties herein prescribed, recover in civil action double the actual damages sustained as determined by the value of the property destroyed and the detriment to the vegetation thereof: *Provided, however*, That any person who shall, without license or permit, hunt, capture, kill, or attempt to take, capture, or kill, wilfully disturb or drive away any kind of birds, fish or animals within the national parks shall be subject to the penalties provided for under

Act Numbered Twenty-five hundred and ninety, entitled 'An Act for the protection of game and fish' as amended: *Provided, further*, That in the case of a company or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proved that the latter acted with his knowledge; otherwise, the liability shall extend only as far as the fine is concerned: *And provided, finally*, That the Court shall, upon conviction, order the eviction of the offender from the land and that all timber or other forest products collected or removed or any construction or improvement made thereon by the offender shall be forfeited to the Government."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

S. No. 188

[REPUBLIC ACT No. 123]

AN ACT PRESCRIBING THE REORGANIZATION AND  
OPERATION OF THE BUREAU OF QUARANTINE  
SERVICE, AND PROMULGATING REGULATIONS  
THEREOF.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. *Administration of the Bureau of Quarantine Service.*—The name of the Bureau of Quarantine Service shall be changed to Bureau of Quarantine and shall have the category of a first-class bureau. It shall function under the Department of Health and Public Welfare and shall be administered by the Director of Quarantine. The Director of Quarantine shall be appointed by the President with the consent of the Commission on Appointments.

SEC. 2. *Jurisdiction and functions of the Bureau of Quarantine.*—The examination at ports of entry and airports of entry of the Philippines of incoming and outgoing vessels and aircraft, the necessary surveillance over their sanitary conditions, as well as over their cargoes, passengers, crew, and all personal effects, and the issuing of quarantine certificates, bills of health, or other equivalent documents shall be vested in and be conducted by the Bureau of Quarantine. This Bureau shall have authority over incoming vessels, including those of the army and navy, both domestic and foreign, their wharfage and anchorage, and over aircraft and airports, insofar as is necessary for the proper enforcement of the provisions of this Act.

SEC. 3. *Reorganization of the Bureau of Quarantine.*—The Secretary of Health and Public Welfare is hereby authorized, upon the recommendation of the Director of Quarantine, to reorganize the Bureau of Quarantine and to



promulgate rules and regulations for the operation of the said Bureau: *Provided, however,* That in the reorganization, all the officers and employees of the United States Public Health Service engaged in quarantine work in the Philippines, notwithstanding civil service eligibility, shall be automatically transferred since July fourth, nineteen hundred forty-six, and appointed to the positions authorized for them in the budget for the Bureau of Quarantine, and their services under the United States Public Health Service shall be considered as a continuation of service in the Bureau of Quarantine when determining the scope and extent of any privileges, benefits, emoluments, allowances, etc., granted or which may be granted by the Government, and for all purposes when the length of services becomes a base or factor for the maximum computation of a claim. They shall have the same rights and privileges allowed or which hereafter may be allowed to Civil Service employees, such as the right to Government insurance, pension, retirement, gratuity, bonus, allowances, etc., in the capacity of classified Civil Service officers and employees at the time of the enactment of the law or measure granting the benefit.

SEC. 4. *Military rank of commissioned officers of the Bureau of Quarantine.*—The Director of Quarantine shall have the rank of a colonel or higher and all quarantine officers under him shall have the ranks of lieutenant colonels, majors, captains and lieutenants, and such officers shall be commissioned by the President upon recommendation of the Director of Quarantine with the approval of the Secretary of Health and Public Welfare.

SEC. 5. *Authority to promulgate and enforce rules and regulations and provide penalties for their violations.*—(a) The Director of Quarantine, with the approval of the Secretary of Health and Public Welfare is authorized to promulgate and enforce such rules and regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of quarantinable diseases from foreign countries into the Philippines or from one port to another in the Philippines. For purposes of carrying out and enforcing these regulations, the Director of Quarantine may provide for such inspections, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be so infected or contaminated as to be sources of infection to human beings, and other measures as in his judgment may be necessary.

(b) Regulations prescribed under this section shall not provide for the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of such quarantinable diseases as may be specified from time to time in

executive orders of the President upon the recommendation of the Secretary of Health and Public Welfare.

(c) Whenever it is deemed necessary for the protection of the public health of the nation from quarantinable diseases, such immunization against them as are deemed necessary by the Director of Quarantine shall be mandatory on all persons arriving at any port of entry in the Philippines.

(d) The Secretary of Health and Public Welfare on the recommendation of the Director of Quarantine may prescribe rules and regulations under this section for the apprehension and examination of any individual believed to be infected with a communicable disease in an infectious stage on board vessels and aircraft entering any seaport or airport in the Philippines. Such rules and regulations may provide that if upon examination any such individual is found to be infected or has been exposed to infection as to be considered a dangerous contact, he may be detained aboard a vessel, in a hospital, at a quarantine detention station or at any place of isolation and in such a manner as may be prescribed by the said regulations.

SEC. 6. *Suspension of entries and imports from designated places.*—Whenever the Director of Quarantine determines that by reason of the existence of any quarantinable disease in a foreign country there is imminent danger of its introduction into the Philippines, and that this danger may be enhanced by the introduction of persons or property from such country and that a suspension of the right to introduce such persons and property is required in the interest of public health, the Director of Quarantine may recommend to the President, through the Secretary of Health and Public Welfare, the issuance of an executive order prohibiting, in whole or in part, the introduction of persons and properties from such countries into the Philippines.

SEC. 7. *Quarantine stations.*—The Director of Quarantine shall control, direct, and manage all Philippine quarantine stations, grounds, and anchorages, designating their boundaries. With the approval of the Secretary of Health and Public Welfare, he shall from time to time select suitable sites for and establish such additional stations, grounds, anchorages, hospitals, dispensaries, and treatment stations in the Philippines as in his judgment are necessary to prevent the introduction of quarantinable diseases into the Philippines.

SEC. 8. *Quarantine certificates of vessels and aircraft.*—Any vessel or aircraft at any foreign port or place clearing or departing for any port of the Philippines shall be required to obtain from officers designated by the Director of Quarantine such forms as may be prescribed by regulations.

These certificates shall be delivered to the quarantine boarding officer at the ports of entry.

SEC. 9. *Certificates of quarantine discharge.*—It shall be unlawful for any vessel or aircraft from a foreign country to call at any seaport or airport in the Philippines, to discharge its cargo, or land its passengers except when certified by the quarantine officer that the regulations prescribed under this Act have in all respects been complied with by such vessel or aircraft. This certificate of quarantine discharge shall be a prerequisite to Customs clearance.

SEC. 10. *Certificate of outgoing vessel or aircraft.*—No vessel or aircraft shall leave any seaport or airport of the Philippines without procuring a sanitary port statement certifying, among other things, compliance with quarantine laws and regulations. This certificate shall be a prerequisite to Customs clearance of outgoing vessels or aircraft.

SEC. 11. *Penalties.*—(a) Any person who violates any regulations prescribed under sections five, six, eight, nine and ten or who enters or departs from the limits of any quarantine detention station, ground, anchorage, in violation of quarantine rules and regulations without permission from the quarantine officer in charge, shall be punished by a fine of not more than two thousand pesos or by imprisonment of not more than one year or both at the discretion of the Court of competent jurisdiction.

(b) Any vessel or aircraft which violates any provision of this Act, shall forfeit to the Government of the Philippines not more than ten thousand pesos, the amount to be determined by the Collector of Customs, which shall be made a lien on such vessel.

SEC. 12. *Repealing clause.*—All the provisions of sections eleven hundred and thirty, eleven hundred and thirty-one, eleven hundred and thirty-two, eleven hundred and thirty-three, eleven hundred and thirty-four, eleven hundred and thirty-five and eleven hundred and thirty-six of the Revised Administrative Code of nineteen hundred and seventeen, and all acts, rules and regulations regarding foreign and local quarantine not consistent with this Act are hereby repealed.

SEC. 13. This Act shall take effect upon its approval.

Approved, June 14, 1947.

S. No. 230

[REPUBLIC ACT No. 124]

AN ACT TO PROVIDE FOR THE MEDICAL INSPECTION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES IN THE PHILIPPINES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Effective July first, nineteen hundred and forty-seven, it shall be the duty of the principal, director and/or president of a private school, college or university, with a total enrollment of three hundred or more to provide part or full time physician for the yearly medical inspection of the pupils and students enrolled therein, who shall render reports at the end of every quarter, to wit: end of September, December, March and June of each school year, of their school health activities to the Director of Health. Said physician shall be placed under the direct supervision of the Bureau of Health.

SEC. 2. It shall be incumbent on the Bureau of Health to formulate a school health medical inspection program to be observed by private schools, colleges and universities in the Philippines.

SEC. 3. Any principal, director or president of a private school, college or university who fails to comply with this or part of this Act, shall, upon conviction, pay a fine of not more than five hundred pesos.

SEC. 4. Any act or part thereof in conflict with the provisions of this Act is hereby repealed.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 14, 1947.

S.No. 232

[REPUBLIC ACT No. 125]

AN ACT GOVERNING THE USE OF AIR NAVIGATION FACILITIES AND PROVIDING THE PAYMENT OF THE USE THEREOF.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Except as herein expressly provided, only Government air navigation facilities shall, at reasonable charges to be fixed by the Director of the Bureau of Aëronautics, be open and available for use of duly licensed private or commercial air service operators, under such rules and regulations as may be issued by the Bureau of Aëronautics and approved by the Department Head. Private air navigation facilities shall be used only when the Government does not own any air navigation facility, unless permitted by the Director of the Bureau of Aëronautics, and under such rules and regulations as may be issued by him and approved by the Department Head, and at reasonable charges to be fixed by the Public Service Commission after due hearing.

SEC. 2. (a) The term "Air navigation facility" shall include any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

(b) The term "airport" shall mean any locality, either on water or on land, which is adopted for the landing and taking off of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

SEC. 3. "Reasonable charges" are those which insure just and reasonable return on the capital invested, taking into consideration the cost of construction, operation and maintenance, and non-aëronautical revenue of the air navigation facility affected, which shall be uniform.

SEC. 4. Charges collected for the use of the Government air navigation facility shall accrue to the general fund of the national, provincial or municipal government financing said facilities: *Provided*, That for a period of five years from the date of the approval of this Act, all charges collected are hereby appropriated for the construction, repair and maintenance of such facilities.

SEC. 5. All acts or parts of act inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 840

[REPUBLIC ACT No. 126]

AN ACT AMENDING THE THIRD PARAGRAPH OF SECTION SIXTEEN HUNDRED AND THIRTY-SEVEN OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The third paragraph of section sixteen hundred and thirty-seven of the Revised Administrative Code, as amended by Act Forty-two hundred and thirty-three, is further amended to read as follows:

"Within the first ten days of January and July of each year, every banking institution and/or every mutual building and loan association shall pay a fee to the Bank Commissioner in an amount equivalent to one seventy-sixth of one per cent of the average total assets of such banking institution and/or mutual building and loan association during the preceding six months, but in no case shall such fee be less than fifty pesos: *Provided, however*, That the aggregate of such fees collected in any one year shall

not exceed the total actual expenses of the Bureau of Banking during the year. In the event that the proportion of fees based upon the averaged total assets of all banking institutions and/or mutual building and loan associations shall aggregate an amount in excess of the total actual expenses of the Bureau of Banking, in any one year, the ratio of the fee to the average total assets of all such banking institutions and/or mutual building and loan associations shall correspondingly be reduced. The Bank Commissioner shall, by regulation, prescribe the manner of determining the average total assets of banking institutions and mutual building and loan associations for the purpose of the payment of fees."

SEC. 2. This Act shall take effect as of January one, nineteen hundred and forty-seven.

Approved, June 14, 1947.

H. No. 890

[REPUBLIC ACT No. 127]

AN ACT TO REPEAL SECTION TWENTY-ONE OF ACT  
NUMBERED TWENTY-FOUR HUNDRED AND  
SEVENTY-TWO, OTHERWISE KNOWN AS THE  
LOCUST ACT.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section twenty-one of Act Numbered Twenty-four hundred and seventy-two, otherwise known as the Locust Act, exempting from service in the destruction of locusts officers of the National Government, officers or servants of companies engaged in the business of common carriers on sea or land, priests or ministers of the gospel, physicians, "practicantes," pharmacists, "practicantes de farmacia," actually engaged in business, or lawyers actually engaged in court proceedings, and such provincial and municipal officials as may be designated by the locust board, is hereby repealed.

SEC. 2. This Act shall take effect on its approval.

Approved, June 14, 1947.

H. No. 981

[REPUBLIC ACT No. 128]

AN ACT REQUIRING DISTRICT HEALTH OFFICERS  
OR THEIR AUTHORIZED REPRESENTATIVES  
TO INSPECT THE SANITARY CONDITION OF  
COASTWISE PASSENGER VESSELS CALLING  
AT PORTS IN THEIR DISTRICT AND FOR OTHER  
PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The District Health Officers in the provinces, or their authorized representatives, are hereby required to inspect and investigate the sanitary condition of all coast-wise passenger vessels calling at the ports of their respective districts. The District Health Officers are further required to submit a report, every fifteen days, to the Bureau of Health which shall immediately furnish a copy thereof to the Bureau of Customs for purposes of Republic Act Numbered Seventy.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 963

[REPUBLIC ACT No. 129]

AN ACT TO AMEND SECTION FIFTEEN OF COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND TWENTY BY AUTHORIZING THE CITY OF SAN PABLO TO ESTABLISH AND MAINTAIN A TELEPHONE SYSTEM.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section fifteen of Commonwealth Act Numbered Five hundred and twenty is amended by inserting between paragraphs (mm) and (nn) thereof the following paragraph:

“(mm-1). To provide for the establishment and maintenance of a telephone system, and, subject to the provisions of the Public Service Law, to fix the charges for the use of said service.”

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 999

[REPUBLIC ACT No. 130]

AN ACT CONTINUING THE EXISTING CLASSIFICATIONS OF PROVINCES AND MUNICIPALITIES AND AUTHORIZING THE PRESIDENT OF THE PHILIPPINES TO MAKE PARTIAL READJUSTMENTS THEREOF.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The classifications of the provinces and municipalities last made by the Secretary of the Interior are continued until revised in accordance with this Act.

SEC. 2. Beginning with the year nineteen hundred and fifty-one and for each period of five consecutive years after said date, the President of the Philippines shall order the classification of the provinces and municipalities in accordance with the graduated amounts established in section two thousand one hundred seventy of the Administrative Code, as amended, Commonwealth Act Numbered Two hundred ninety-eight, and section one of Act Numbered Three thousand seven hundred ninety-eight: *Provided*, That whenever advisable in the public interest, the President of the Philippines may, before and after said date, make a partial readjustment of the classification of a province or municipality based on the average annual revenues of such province or municipality for any preceding three consecutive fiscal years in accordance with the graduated amounts.

SEC. 3. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1000

[REPUBLIC ACT No. 131]

AN ACT AMENDING SECTION TWO THOUSAND  
FOUR HUNDRED THIRTY-FOUR (a) OF THE  
REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section two thousand four hundred thirty-four (a) of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 2434 (a). *Vice-mayor*.—There shall be a vice-mayor who shall perform the duties of the mayor, in the event of the sickness, absence or other temporary incapacity of the mayor, or in the event of a definitive vacancy in the position of mayor, until said office shall be filled, in accordance with law. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the office of the mayor, or said office of the vice-mayor is vacant, the duties of the mayor, shall be performed by the city engineer. The acting mayor shall have the same powers and duties as the mayor.

The vice-mayor shall perform such other duties as may be assigned upon him by the mayor or prescribed by law or ordinance. He shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines and shall



receive a salary of not more than seven thousand two hundred pesos a year."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1016

[REPUBLIC ACT No. 132]

AN ACT TO ALLOW THE MEMBERS OF THE GOVERNMENT SERVICE INSURANCE SYSTEM OPTION TO CONVERT THEIR POLICIES INTO PAID-UP POLICIES AND APPLY FOR NEW INSURANCE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any provision of the existing law to the contrary notwithstanding, a member of the Government Service Insurance System whose policy therein was in force on December thirty-first, one thousand nine hundred forty-one, may convert within three months from the date of approval of this Act said policy into a paid-up policy as of December thirty-first, one thousand nine hundred forty-one.

SEC 2. A member of the System who converts his policy pursuant to section one of this Act shall be insured again in the System in accordance with his application as approved by the System and without medical examination on the last day of the month he is re-employed in a Government entity or instrumentality and on said day the payment of the personal and the Government shares of the premiums on his insurance shall begin, provided that membership insurance is compulsory upon him. But, if not so re-employed or if the continuance of the insurance converted is not compulsory, a new insurance for an amount not exceeding the maximum allowed under the law while he was in the service may be issued upon application filed within such time and under such terms and conditions as the System may prescribe.

SEC. 3. A member of the System whose policy lapsed or was surrendered after December thirty-first, one thousand nine hundred forty-one, but before the approval of this Act, may within three months after the approval of this Act avail of the option described in section one hereof: *Provided, That*, in the case of one whose policy was surrendered, the cash surrender value he received shall be refunded by him with interest thereon at four per centum per annum, or shall be considered as a policy loan to him if not refunded at the time he exercises the option mentioned herein. He shall also be entitled to a new insurance as provided in section two of this Act.

SEC. 4. The National Government or any of its agencies or entities as well as any local government that had in its service on December thirty-first, one thousand nine hundred forty-one, or immediately prior to Japanese occupation, members who will not convert their insurance pursuant to section one hereof shall pay its corresponding share of the premiums on their compulsory membership insurance for the period from December thirty-first, one thousand nine hundred forty-one, to February twenty-eight, one thousand nine hundred forty-five, within fifteen years from the date of approval of this Act in one single sum or in annual installments, and is hereby required to include in its annual appropriations the sums necessary to pay said share. All premiums due during the period mentioned herein shall bear interest from the date they fall due at four per centum per annum.

SEC. 5. This Act shall take effect on its approval.

Approved, June 14, 1947.

H. No. 1026

[REPUBLIC ACT No. 133]

AN ACT TO AUTHORIZE THE MORTGAGE OF PRIVATE REAL PROPERTY IN FAVOR OF ANY INDIVIDUAL, CORPORATION, OR ASSOCIATION SUBJECT TO CERTAIN CONDITIONS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any provision of law to the contrary notwithstanding, private real property may be mortgaged for a period not exceeding five years, renewable for another five, in favor of any individual, corporation, or association, but the mortgagee or his successor in interest, if disqualified to acquire or hold lands of the public domain in the Philippines, shall not bid or take part in any sale of such real property as a consequence of such mortgage.

SEC. 2. All laws, orders or regulations, or parts thereof inconsistent with the provisions of this Act, are repealed or modified accordingly.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1027

S. No. 207

[REPUBLIC ACT No. 134]

AN ACT TO AMEND SECTIONS ONE, TWO AND TWO-A OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND EIGHT, ENTITLED "AN ACT TO PUNISH ACTS OF EVASION OF THE LAWS ON

THE NATIONALIZATION OF CERTAIN RIGHTS,  
FRANCHISES OR PRIVILEGES," AS AMENDED,  
AND TO INSERT BETWEEN SECTIONS THREE  
AND FOUR THEREOF A NEW SECTION TO BE  
KNOWN AS SECTION THREE-A.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Sections one and two of Commonwealth Act Numbered One hundred and eight are amended to read as follows:

"SECTION 1. In all cases in which any constitutional or legal provision requires Philippine or any other specific citizenship as a requisite for the exercise or enjoyment of a right, franchise or privilege, any citizen of the Philippines or of any other specific country who allows his name or citizenship to be used for the purpose of evading such provision, and any alien or foreigner profiting thereby, shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise or privilege, which is enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos.

"The fact that the citizen of the Philippines or of any specific country charged with a violation of this Act had, at the time of the acquisition of his holdings in the corporations or associations referred to in section two of this Act, no real or personal property, credit or other assets the value of which shall at least be equivalent to said holdings, shall be evidence of a violation of this Act."

"SEC. 2. In all cases in which a constitutional or legal provision requires that, in order that a corporation or association may exercise or enjoy a right, franchise or privilege, not less than a certain *per centum* of its capital must be owned by citizens of the Philippines or of any other specific country, it shall be unlawful to falsely simulate the existence of such minimum of stock or capital as owned by such citizens, for the purpose of evading said provision. The president or managers and directors or trustees of corporations or associations convicted of a violation of this section shall be punished by imprisonment of not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise or privilege, enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos."

SEC. 2. Section two-A of Commonwealth Act Numbered One hundred and eight, as inserted by Commonwealth Act

Numbered Four hundred and twenty-one, is amended to read as follows:

"SEC. 2-A. Any person, corporation, or association which, having in its name or under its control, a right, franchise, privilege, property or business, the exercise or enjoyment of which is expressly reserved by the Constitution or the laws to citizens of the Philippines or of any other specific country, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, permits or allows the use, exploitation or enjoyment thereof by a person, corporation or association not possessing the requisites prescribed by the Constitution or the laws of the Philippines; or leases, or in any other way transfers or conveys said right, franchise, privilege, property or business to a person, corporation or association not otherwise qualified under the Constitution, or the provisions of the existing laws; or in any manner permits or allows any person, not possessing the qualifications required by the Constitution or existing laws to acquire, use, exploit or enjoy a right, franchise, privilege, property or business, the exercise and enjoyment of which are expressly reserved by the Constitution or existing laws to citizens of the Philippines or of any other specific country, to intervene in the management, operation, administration or control thereof, whether as an officer, employee or laborer therein, with or without remuneration except technical personnel whose employment may be specifically authorized by the President of the Philippines upon recommendation of the Department Head concerned, if any, and any person who knowingly aids, assists, or abets in the planning, consummation or perpetration of any of the acts herein above enumerated shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise, or privilege enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos: *Provided, however,* That the president, managers, or persons in charge of corporations, associations, or partnerships violating the provisions of this section shall be criminally liable in lieu thereof: *Provided, further,* That any person, corporation or association shall, in addition to the penalty imposed herein, forfeit such right, franchise, privilege, and the property or business enjoyed or acquired in violation of the provisions of this Act."

SEC. 3. Commonwealth Act Numbered One hundred and eight, as amended, is further amended by inserting between sections three and four thereof, a new section to be known as section three-A, which shall read as follows:

"SEC. 3-A. In case of conviction under the provisions of this Act, twenty-five *per centum* of any fine imposed shall accrue to the benefit of the informer who furnishes to the Government original information leading to said conviction and who shall be ascertained and named in the judgment of the court. If the informer is a dummy; who shall voluntarily take the initiative of reporting to the proper authorities any violation of the provisions of this Act and assist in the prosecution, resulting in the conviction of any person or corporation profiting thereby or involved therein, he shall be entitled to the reward hereof in the sum equivalent to twenty-five *per centum* of the fine actually paid to or received by the Government, and shall be exempted from the penal liabilities provided for in this Act."

SEC. 4. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1039

[REPUBLIC ACT No. 135]

AN ACT TO AMEND SUBSECTION (a) OF SECTION FORTY-TWO OF COMMONWEALTH ACT NUMBERED SIX HUNDRED AND THIRTEEN, ENTITLED "AN ACT TO CONTROL AND REGULATE THE IMMIGRATION OF ALIENS INTO THE PHILIPPINES," AND TO REPEAL SUBSECTIONS (x) AND (y) OF SECTION FOURTEEN HUNDRED AND FOURTEEN OF THE REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subsection (a) of section forty-two of Commonwealth Act Numbered Six hundred and thirteen is hereby amended to read as follows:

"SEC. 42 (a). In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter the Philippines under the provisions of this Act:

(1) Executing application for passport visa for nonimmigrant .....	₱5.00
(2) Passport visa for nonimmigrant.....	20.00
(3) Reentry permit .....	20.00

*Provided, however,* That upon payment of a fee of ₱40, a resident alien may use his reentry permit, during a period of one year, regardless of

the number of trips made by him to and from foreign ports.

(4) Extension of reëntry permit.....	₱10.00
(5) Executing application for immigration visa .....	5.00
(6) Immigration visa .....	20.00
(7) Legalization of residence.....	50.00
(8) Petition for preference quota status.....	10.00
(9) Petition for nonquota status for immigrant coming to prearranged employment.....	20.00
(11) Duplicate certificate of residence.....	40.00
(12) Duplicate reëntry permit.....	40.00

*Provided, however,* That any alien who shall fail to legalize his residence within the period of one year provided in section 41 (a) of this Act, but whose application will have been accepted by the Commissioner of Immigration after the lapse of one year, shall pay for the legalization of his residence the sum of sixty pesos."

SEC. 2. Subsections (x) and (y) of section fourteen hundred and fourteen of the Revised Administrative Code are hereby repealed.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1078

[REPUBLIC ACT No. 136]

AN ACT PROVIDING FOR THE IMMEDIATE PAYMENT OF MONIES DUE TO DECEASED FILIPINO MEMBERS OF THE UNITED STATES ARMY, UNITED STATES NAVY, PHILIPPINE SCOUTS, PHILIPPINE ARMY, INCLUDING DULY RECOGNIZED GUERRILLA ORGANIZATIONS, AND DECEASED CIVILIAN EMPLOYEES OF THE WAR AND NAVY DEPARTMENTS AND OTHER DEPARTMENTS OF THE UNITED STATES GOVERNMENT AND OF THE PHILIPPINE ARMY, AND DECEASED CIVILIANS WITH CLAIMS FOR SUPPLIES FURNISHED OR SERVICES RENDERED UNDER THE LAWS OF THE UNITED STATES AND/OR TO THE PHILIPPINE ARMY, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Monies under the laws of the United States and of the Philippines due to deceased Filipinoos who were members of the United States Army, United States Navy, the Philippine Scouts, or Philippine Army, including duly recognized guerrilla organizations, and deceased civilian

employees of the War and Navy Departments or of other Executive Departments and independent establishments of the United States Government and of the Philippine Army, as well as amounts due to estates of deceased civilians representing claims for supplies furnished or services rendered under the laws of the United States and or to the Philippine Army, who were domiciled in the Philippines at the time of their death, shall be administered by the Judge Advocate General of the Philippine Army, or his duly authorized representatives.

The term "monies" shall be understood to mean (1) arrears in pay and allowances, including salaries, quarters allowances, bonuses and any other cash allowance to which the deceased might have been or would be lawfully entitled; (2) all amounts due to the estates of deceased civilians for supplies furnished or services rendered under the laws of the United States and/or to the Philippine Army; (3) accrued retirement and insurance proceeds which upon the deaths of the individuals mentioned in section one of this Act became parts of their estates; and (4) deposits.

SEC. 2. For the purposes of this Act, provincial and city fiscals, except fiscals of the City of Manila, and justices of the peace for their respective provinces, cities or municipalities, are hereby designated as ex-officio representatives of the Judge Advocate General and shall, without additional compensation, render such assistance in the administration of this Act as may be required by the Judge Advocate General: *Provided, however, That the Judge Advocate General may appoint such other representatives as he may deem necessary from time to time.*

SEC. 3. The Judge Advocate General or his representative shall proceed to ascertain by the best means within his power the names and residences of the persons who are lawfully entitled to the monies referred to in this Act, and pursuant to the evidence submitted shall summarily distribute the same to said legal heirs as of the time of final decree of distribution in accordance with the provisions of the Civil Code regarding succession: *Provided, however, That in the distribution of the estate under this Act, the usufructuary rights granted to the surviving spouse by the Civil Code shall not apply: Provided, further, That in the case of inheritance subject to "reserva troncal" (art. 811, C. C.), the obligation to reserve will not be imposed on the "reservista"; And provided, finally, That in order to expedite the disposition of the monies referred to in this Act, where the evidence does not strictly conform with the statutory requirements, subject to the limitations imposed by section eight of this Act, the Judge Advocate General is empowered to pass upon the sufficiency of evidence of heirship.*

SEC. 4. For the purposes of this Act, and for the establishment of successional rights therein, any person falling under section one, entitled to the monies referred to herein, shall be presumed dead after the lapse of twelve months from the time said person was last seen, heard from, accounted for, or reported to be alive: *Provided*, That if at any time before the presumption of death could be availed of, there should be monies immediately payable to such person the Judge Advocate General may appoint a representative for said person: *Provided, however*, That before a representative appointed hereunder enters upon the execution of his duties, he may be required to give a bond, in such sum as the Judge Advocate General may direct, and under such conditions as he may prescribe.

SEC. 5. The monies due under this Act to non-citizens of the Philippines who were domiciled in the Philippines at the time of their death shall be distributed in accordance with the provisions of the Civil Code on succession and pertinent provisions of this Act, article ten of the Civil Code to the contrary notwithstanding.

SEC. 6. Where there are natural children or natural parents claiming to have the status of acknowledged natural children or acknowledging parents, respectively, the Judge Advocate General shall have the authority to determine their status in accordance with the provisions of the Civil Code: *Provided*, That for the purposes of this Act, where the fact of delivery and identity of the child and/or continuous possession of the status of an acknowledged natural child, are fully established, the requirements for acknowledgment may be considered complied with.

SEC. 7. In the case of legal heirs who are minors or incompetents, the Judge Advocate General is hereby empowered to appoint the best qualified person as guardian for the said heirs, who shall discharge his duties as such in accordance with the instructions and orders of the Judge Advocate General: *Provided, however*, That the widow, and in case of her inability, the eldest child, if of age, shall be given the preference in the appointment of such guardian: *Provided, further*, That before a guardian appointed hereunder enters upon the execution of said trust, he or she may be required to give a bond, in such sum as the Judge Advocate General may direct, and under such conditions as he may prescribe.

SEC. 8. Whenever a dispute arises as to who of two or more claimants are the legal heirs of the deceased, the Judge Advocate General or his representative shall suspend, the summary distribution of the monies until the courts shall have finally decided the controversy in an



action for interpleading under Rule fourteen of the Rules of Court: *Provided, however*, That complaints for interpleading presented pursuant to this section shall be exempt from the payment of all filing fees, legal fees, and costs.

SEC. 9. If at any time prior to the final distribution of the monies an administrator of the estate of the deceased shall have been duly appointed by a court of competent jurisdiction, the Judge Advocate General or his representative shall nevertheless proceed to the final summary payment of the same: *Provided*, That, if the deceased died leaving a will which covers only the monies as defined in this Act, only the Judge Advocate General shall proceed to probate said will; *Provided, further*, That if the will covers other properties of decedent, besides monies as aforementioned, the latter shall be paid by the Judge Advocate General in accordance with the will as probated and legalized by competent courts.

SEC. 10. After the Judge Advocate General shall have distributed the monies in conformity with the foregoing provisions, such estate shall, as regards such monies so distributed, be deemed lawfully settled and the Judge Advocate General shall no longer be answerable therefor to any person. But this shall not preclude any lawful heir from bringing an action against any person who had so received said monies for enforcement of any lawful claim thereto: *Provided*, That the Judge Advocate General or his duly authorized representative acting in his behalf is authorized to furnish an acquittance to the Government of the United States and/or to the Government of the Philippines in satisfaction of all claims made by beneficiaries or distribution of the estates of deceased claimants who have furnished supplies or rendered services to the Government of the United States and/or to the Government of the Philippines.

SEC. 11. In order to carry out the purposes of this Act, the Judge Advocate General or his duly authorized representative is hereby empowered to administer oaths and summon witnesses to require them to appear and testify upon oath before him.

SEC. 12. The monies to which the legal heirs of the deceased may be entitled to receive shall be exempt from execution and taxation.

SEC. 13. All documents which the Judge Advocate General or his representative may require from the legal heirs of the deceased in order to prove their claim to said monies are hereby exempt from the documentary stamp tax.

SEC. 14. No attorney, agent, or other person charged with the preparation, filing, or prosecution, settlement, or

payment of any claim for monies under this Act shall demand or charge for his services fees amounting to more than five *per centum* of the total of such monies, and said fees shall become due and demandable only after said monies are paid to the persons entitled thereto. The retention or deduction of any amount from such monies for the payment of fees for such services is prohibited. A violation of any provision of this section shall upon conviction be punished by imprisonment of from six months to one year, or by a fine of from six hundred to one thousand pesos, or by both such imprisonment and fine.

SEC. 15. In order to carry out the provisions of this Act, the amount of not exceeding one hundred fifty thousand pesos is set aside yearly out of any funds from the National Treasury not otherwise appropriated, to be released as the President may authorize, upon the recommendation of the Judge Advocate General of the Philippine Army.

SEC. 16. All acts or parts of acts inconsistent herewith are, for the purposes of this Act, hereby repealed.

SEC. 17. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1077

[REPUBLIC ACT No. 137]

AN ACT TO PROHIBIT COCKFIGHTING, HORSE RACING AND JAI-ALAI GAMES ON THE FOURTH OF JULY OF EACH YEAR.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any provision of the existing law to the contrary notwithstanding, cockfighting, horse racing and jai-alai games are hereby prohibited on the fourth day of July of each year, the birthday of the Republic of the Philippines.

SEC. 2. Any person who shall violate the provisions of this Act, or permit or allow the violation thereof, shall be punished by a fine not exceeding two hundred pesos or by imprisonment not exceeding six months, or both, at the discretion of the court. In the case of partnerships, corporations, or associations, the criminal liability shall devolve upon the president, director, or any other official responsible for the violation.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1112

[REPUBLIC ACT No. 138]

AN ACT TO DEFINE THE PAY STATUS OF PERSONNEL IN THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

ARTICLE I

*Definition of Terms*

SECTION 1. For the purposes of this Act—

(a) "Pay" includes base pay and all additional pay for length of service or type of duty such as longevity pay and flying pay.

(b) "Allowance" includes quarters, subsistence, travel and such other allowances as may by law become payable to Army personnel.

(c) "Officers" refers to commissioned officers and Army nurses only.

(d) "Army" includes all military personnel or persons in the active service of the armed forces of the Philippines.

ARTICLE II

*Pay Status in General*

SEC. 2. The pay and allowances of military personnel are prescribed by law and as long as a person is in the active military service of the Philippines he is entitled to receive pay and allowances corresponding to his rank or grade, unless said pay and allowances have not accrued or have been forfeited under this Act or any other provision of law.

SEC. 3. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall make further arrears unavoidable.

SEC. 4. Separation of any person from the active service cannot be effected for purposes of pay and allowances, before the date on which the individual receives or become legally chargeable with notice of his separation from the active service, whether by resignation, discharge, reversion to inactive status, retirement or dismissal: *Provided*, That the date on which a person is to be legally chargeable with notice of his separation shall be determined in accordance with pertinent Army regulations.

## ARTICLE III

*Military Personnel Missing; Missing in Action; Interned in a Neutral Country; Captured or Besieged by Enemy Forces.*

SEC. 5. Any person who is in the active service and who is officially reported as missing, missing in action, interned in a neutral country, or captured by an enemy, shall, while so absent, be entitled to receive or to have credited to his account the same pay and allowances to which such person was entitled at the time of the beginning of the absence or may become entitled to thereafter: *Provided*, That such person shall not have been officially reported as having been absent from his post of duty without authority: *Provided*, further, That expiration of the agreed terms of service during the period of such absence shall not operate to terminate the right to receive such pay and allowances: *Provided*, further, That should proper authority subsequently determine that the person concerned has been absent from his post of duty without authority, such person shall be indebted to the Government in the amount for which payments have been made or pay and allowances credited to his account in accordance with the provisions of this Act during such absence.

SEC. 6. In case any person is entitled under section five of this Act to receive pay and allowances, the Secretary of National Defense or such persons as he may designate, may direct that so much of the absent person's pay and allowances necessary for the reasonable support of his dependents and/or payment of insurance premiums, shall be paid by the appropriate disbursing officer for a period of twelve months from the date of commencement of absence: *Provided*, That any premiums paid by the Government subsequent to the declared date of death and unearned on insurance issued on the life of a person shall revert to the appropriations for the Philippine Army.

SEC. 7. When the twelve month's period from the commencement of absence is about to expire in any case of a person missing or missing in action and no official report of death or of being interned has been received, the Chief of Staff is authorized to direct the continuance of the person's missing status, if the person may be reasonably presumed to be living, or to make a finding of death. In the event a continuance of the missing person's status is directed, the Chief of Staff shall order a review of the case whenever warranted by information received or other circumstances. When a finding of death is made, it shall include the date upon which death shall be presumed to have occurred for the purpose of termination of crediting pay and allowances, settlement of accounts, and payment of

death gratuities and other benefits arising by reason of death. Such date shall be the day following the date of expiration of an absence of twelve months, or in cases in which the missing status shall have been continued as authorized herein, a day to be determined by the Chief of Staff.

SEC. 8. When the circumstances surrounding the absence of a missing person of one of the classes mentioned in section five of this Act justifies such action, the Chief of Staff, or such persons as he may designate, may direct the continuance, suspension, or resumption or payments of the pay and allowance of such person. Except as provided in section seven of this Act, payment of insurance premiums or amounts necessary for the support of dependents shall not continue beyond the twelve months' period following the officially reported date of commencement of absence.

SEC. 9. Within the scope of the authority granted by this Act, the determination by the Chief of Staff or by such persons as he may designate, of the status of a person in the armed forces of the Philippines or of the fact of dependency under the provisions of this Act, or his direction relative to continuance, temporary suspension, or resumption of payment of pay and allowances, or finding of death, shall be conclusive.

#### ARTICLE IV

##### *Unauthorized Absence as Affecting Pay and Allowances*

SEC. 10. Neither pay nor allowances accrue to any person in the military service during unauthorized absence, unless excused as unavoidable.

SEC. 11. For purposes of entitlement to pay and allowances, the question whether absence from duty of any person in the military service is authorized or not and, if not, whether it is absence without leave or in desertion, is determined administratively. In the absence of court-martial finding thereon, it is sufficient to justify the withholding of pay and allowances that the fact of an unauthorized absence appears upon the morning report of the company, battery, troop or squadron, as the case may be.

SEC. 12. The computation of unauthorized absence for purposes of withholding pay and allowances shall be in accordance with such rules and regulations as the Chief of Staff shall promulgate with the approval of the Secretary of National Defense.

#### ARTICLE V

##### *Military Personnel Absent Due to Diseases Arising from Misconduct*

SEC. 13. No person in the military service who shall be absent from his regular duties on account of the effects of

a disease, as distinguished from injury, which is directly attributed to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs shall, except as hereinafter provided be entitled to any pay and allowances, for the period of such absence.

SEC. 14. No person in the military service who shall be absent from his regular duties on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereinafter provided, be entitled to any pay and allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service.

SEC. 15. Each person whose pay and allowances are forfeited for a period in excess of one month at any one time pursuant to the provisions of sections thirteen or fourteen of this Act shall be paid the sum of five pesos for each full month during which his pay is so forfeited.

SEC. 16. For all purposes within the scope of Article V of this Act, the period of absence and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Chief of Staff and such determination shall be final and conclusive.

#### ARTICLE VI

##### *Personnel Awaiting Trial by Courts-Martial or Detained by Civil Authorities*

SEC. 17. An officer awaiting trial by court-martial or the final result thereof is entitled to receive full pay and allowances for the period during which his case is pending, unless he is suspended from office by the President: *Provided*, That an officer suspended by the President shall continue to receive pay and allowances if the President shall so direct in the order of suspension.

SEC. 18. An enlisted man awaiting trial by court-martial or the result thereof is not entitled to receive pay and allowances, until the result of the trial is known, unless the Chief of Staff shall direct continuance of pay.

SEC. 19. Pay and allowances of an enlisted man who has been in desertion or absent without leave and who surrenders or is apprehended after the expiration of his term of enlistment, will not again accrue until he shall have been restored to a duty status.

SEC. 20. Pay and allowances of an enlisted man whose term of enlistment expires while he is in confinement awaiting trial or serving sentence, terminates on date of the expiration of his term of service, and will not again accrue until he shall have been restored to a duty status.

SEC. 21. Officers and enlisted men in arrest and confinement by the civil authorities, or temporarily released on bail, or convicted by the civil courts and released under bond pending final determination of an appeal to a higher court, will receive no pay and allowances for the time of such absence. If unconditionally released without trial, or after trial and acquittal, their right to pay and allowances for the period of such absence is restored.

SEC. 22. An officer or enlisted man discharged or released from active service while in the hands of civil authorities awaiting trial, will be paid only to the date of his arrest and will not be paid travel pay: *Provided*, That if the officer or enlisted man is acquitted, he is entitled to pay and allowances to date of discharge or relief from active duty.

SEC. 23. Notwithstanding section twenty-one of this Act, an officer on authorized leave or an enlisted man on furlough, who is arrested by civil authorities and convicted, is entitled to pay until the date of expiration of his leave or furlough, respectively.

SEC. 24. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1113

[REPUBLIC ACT NO. 139]

AN ACT TO AMEND CERTAIN SECTIONS OF ACT NUMBERED TWENTY-NINE HUNDRED AND FIFTY-SEVEN, ENTITLED "AN ACT CREATING A BOARD TO HAVE CHARGE OF THE SELECTION AND APPROVAL OF THE TEXTBOOKS TO BE USED BY THE COLLEGES AND SCHOOLS OF THE GOVERNMENT, AND FOR OTHER PURPOSES," AS AMENDED BY ACTS NUMBERED THIRTY-ONE HUNDRED AND EIGHTY-FIVE, THIRTY-FOUR HUNDRED AND TWO, AND THIRTY-SEVEN HUNDRED AND SEVENTY-TWO.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one of Act Numbered Twenty-nine hundred and fifty-seven, as amended by Acts Numbered Thirty-one hundred and eighty-five, Thirty-four hundred and two, and Thirty-seven hundred and seventy-two, is further amended to read as follows:

"SECTION 1. A board is hereby created which shall be known as the Board on Textbooks and shall have charge of the selection and approval of textbooks to be used in the public schools. The textbooks selected and approved shall be used for a period of at least six years from the date of their adoption.

The textbooks to be used in the private schools recognized or authorized by the Government shall be submitted to the Board which shall have the power to prohibit the use of any of said textbooks which it may find to be against the law or to offend the dignity and honor of the Government and people of the Philippines, or which it may find to be against the general policies of the Government, or which it may deem pedagogically unsuitable.

Decisions of the Board on Textbooks shall be subject to the approval of the Secretary of Instruction upon the recommendation of the National Council of Education."

SEC. 2. Section two of Act Numbered Twenty-nine hundred and fifty-seven, as amended by Act Numbered Thirty-seven hundred and seventy-two, is hereby further amended to read as follows:

"SEC. 2. The Board on Textbooks shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission of Appointments. The members of the Board shall hold office for a period of six years, and shall serve without compensation. In making the appointment of the first Board, one member shall be appointed for a period of two years, two members for a period of four years, and two members for a period of six years. Every two years the Board shall select a Chairman from among its members.

All members of said Board shall be citizens of the Philippines.

It shall be unlawful for the Board to consider for adoption or to adopt any treatise, textbook, or manuscript in whose authorship, editorship, or preparation a member of the Board may have direct or indirect interest: *Provided*, That this prohibition shall not apply to the deliberation of the Board to consider for adoption or to adopt any treatise, textbook, or manuscript written by any member thereof during the period of his incumbency, who shall not participate in said deliberation: *Provided, further*, That said treatise, textbook, or manuscript shall be turned over to the Government which may undertake the printing and distribution thereof. It shall likewise be unlawful for any member of the Board, during the period of his incumbency, to own, directly or indirectly, any interest whatsoever in any firm, partnership, or corporation publishing or dealing in school textbooks."

SEC. 3. Section four of Act Numbered Twenty-nine hundred and fifty-seven is hereby amended to read as follows:

"SEC. 4. For administrative purposes, the Board on Textbooks created by this Act shall be directly under the Secretary of Instruction. The Chairman of the Board shall have authority, with the approval of the Department Head, to obtain the technical assistance of officers and employees



of any department, bureau or office of the Government which may be considered necessary for the proper performance of its duties. The Board shall, likewise, have a permanent secretary with compensation at the rate of four thousand eight hundred pesos per annum, and such additional employees as may be necessary."

SEC. 4. For the purposes of carrying out the provisions of this Act, including the purchase of the necessary equipment and supplies, there is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of ten thousand pesos for the current fiscal year. Thereafter, a like amount shall be included in the annual General Appropriation Act to meet the expenses herein authorized for the succeeding years.

SEC. 5. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

SEC. 6. This Act shall take effect on its approval.

Approved, June 14, 1947.

H. No. 1114

[REPUBLIC ACT No. 140]

AN ACT TO AMEND ACT NUMBERED THIRTY HUNDRED AND TWO ENTITLED "AN ACT TO CREATE A HARBOR BOARD FOR THE PORT OF MANILA," AS AMENDED BY ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTY-ONE AND COMMONWEALTH ACT NUMBERED TWO HUNDRED AND EIGHTY-FIVE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section ten of Act Numbered Thirty hundred and two, as amended by Act Numbered Thirty-eight hundred fifty-one and Commonwealth Act Numbered Two hundred and eighty-five, is further amended to read as follows:

"SEC. 10. The Bureau of Customs shall have general supervision and regulation of, and control over the receiving, handling, custody, and delivery of merchandise on the wharves and piers of the Port of Manila and other ports of entry and shall fix the rates to be charged for the service, both for the merchandise imported and for that exported; and in the exercise of its functions it is hereby authorized to take over, operate, and superintend such plants as may have been established or may hereafter be established by the Government of the Philippines for the receiving, handling, custody and delivery of merchandise, and the convenience and comfort of passengers and the handling of their baggage. Said Bureau of Customs is

further authorized to establish and operate such additional facilities as may be deemed proper for the receiving, handling, custody and delivery of merchandise, for the convenience and comfort of passengers and the handling of their baggage, and for the provision of adequate fire protection at the piers, the expenses thereof to be paid out of the funds in its possession."

SEC. 2. Section thirteen of said Act Numbered Thirty hundred and two, as amended, is hereby amended to read as follows:

"SEC. 13. Said Bureau of Customs is hereby authorized, whenever in its judgment the receiving, handling, custody, and delivery of merchandise intended for importation or exportation in the port of Manila and other ports of entry can be carried on with greater efficiency, to sell, lease or otherwise dispose of any plant and equipment owned or which may hereafter be acquired by the Government of the Philippines for the receiving, handling, custody, and delivery of merchandise in the port of Manila and other ports of entry, to private persons, associations, or corporations, on such terms as may be deemed most advantageous, subject to the approval of the Secretary of Finance; and to make contracts with such persons, associations, or corporations for the receiving, handling, custody, and delivery of merchandise in the port of Manila and other ports of entry, which contracts shall contain conditions regarding access to the customs premises, subject to the control of the customs authorities, charges for the services rendered by the contractor, security to be given for the efficient handling, custody, and delivery of the merchandise and the prompt payment of all losses thereof, as may be agreed upon between the Bureau of Customs and the contractor, subject to the approval of the Secretary of Finance."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1141

[REPUBLIC ACT No. 141]

AN ACT TO AMEND SECTION ONE OF ACT NUMBERED THIRTY-FIVE HUNDRED, AS AMENDED

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one of Act Numbered Thirty-five hundred, as amended by Commonwealth Act Numbered Two hundred and twelve, is hereby further amended to read as follows:

"SECTION 1. The sum of ten million pesos is hereby appropriated out of any funds in the National Treasury

not otherwise appropriated, to constitute a revolving fund for the construction of permanent bridges on national or provincial roads in the Philippines, which shall be expended under the supervision of the Secretary of Public Works and Communications. Said bridges shall be declared toll bridges for a period not exceeding twenty years. Tolls shall be collected from all traffic using such bridges in accordance with rates to be fixed by a board composed of the Secretary of Public Works and Communications, as chairman, the Secretary of Finance, and the Secretary of the Interior, as members: *Provided, however*, That no toll charges shall be collected from pedestrians, whether alone or accompanying animals, or any person mounted on bicycle or an animal drawn vehicle.

The fund herein appropriated shall not be released unless and until the Secretary of Finance and the Auditor General shall have certified to the President that there are existing and available funds in the National Treasury in excess of the sums appropriated in the general appropriation law for the fiscal year ending June thirty, nineteen hundred and forty-eight, and the priority appropriations established by law: *Provided*, That the President may order the release in full or in installments of the funds herein authorized as the Secretary of Finance and the Auditor General may certify to their existence and availability."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1142

[REPUBLIC ACT NO. 142]

AN ACT TO AMEND SECTIONS EIGHTEEN AND NINETEEN OF THE PHILIPPINE TARIFF ACT OF AUGUST FIVE, NINETEEN HUNDRED AND NINE, AS AMENDED.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section eighteen of the Act of the Congress of the United States approved on August five, nineteen hundred and nine, as amended by Act Numbered Forty hundred and thirty-four, and continued in force and effect on and after July four, nineteen hundred and forty-six, by Republic Act Numbered Three, is further amended to read as follows:

"SEC. 18. That invoices required by the preceding section shall, at or before the shipment of the merchandise, be produced to the consular officer of the Philippines of the consular district in which the merchandise was manufactured or purchased, or from which it is shipped, as the case may be.

"Invoices shall have indorsed thereon when produced as above prescribed a declaration signed by the purchaser, manufacturer, seller, owner, or agent setting forth that the invoice is in all respects correct and true and was made at the place from whence the merchandise is exported to the Philippines; that it contains, if the merchandise was obtained by purchase or an agreement to purchase, a true and full statement of the date when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice except such as have been actually allowed thereon; and when obtained in any other manner than by purchase, or an agreement to purchase, the actual market value or wholesale price thereof, at the time of exportation to the Philippines, in the principal markets of the country from which exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer, seller, owner, or agent making the declaration would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it included all charges thereon; that the numbers, weight, or quantity stated is correct, and that no invoice of the merchandise described differing from the invoice so produced has been or will be furnished to anyone.

"If the merchandise was actually purchased, or shipped otherwise than in pursuance of a purchase or an agreement to purchase, the declaration shall also contain a statement that the amount shown is that which was actually paid, or the price that the shipper would have received, or was willing to receive, for such merchandise, and that the currency stated in such invoice is the currency of the purchase, or in which the transactions are usually made."

SEC. 2. Section nineteen of the Act of the Congress of the United States approved on August five, nineteen hundred and nine, as continued in force and effect on and after July four, nineteen hundred and forty-six, by Republic Act Numbered Three, is hereby amended to read as follows:

"SEC. 19. That consular officers of the Philippines having any knowledge or information of any case or practice by which any person obtaining verification of any invoice defrauds or may defraud the revenue of the Philippines shall report the facts to the Insular Collector of Customs, through the Secretary of Foreign Affairs."

SEC. 3. This Act shall take effect on its approval.

Approved, June 14, 1947.

H. No. 1222

[REPUBLIC ACT No. 143]

AN ACT APPROPRIATING TWENTY-FIVE MILLION  
PESOS FOR PUBLIC WORKS*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. The following sums, or so much thereof as may be necessary, are appropriated out of the General Funds, in the National Treasury not otherwise appropriated, to be at the disposal of the Secretary of Public Works and Communications and subject to the provisions hereinafter set forth, for the purposes mentioned hereunder:

## A. MISCELLANEOUS

(a) For the investigation, survey, construction, reconstruction, repair, improvement, extension, and completion of public works projects, including the purchase of school sites in provinces, chartered cities, and municipalities, to be distributed among the Representative Districts ..... ₱12,500,000.00

## B. PUBLIC BUILDINGS

(b) For the maintenance, alteration, reconstruction and repair of national public buildings and monuments, including necessary repairs and alterations of private buildings and lots rented by the National Government, and upkeep of adjacent grounds, and of the mausoleum of Filipino heroes and martyrs at the "Cementerio del Norte" of the City of Manila, in an amount not to exceed ₱200, including the purchase of necessary supplies, materials and equipment..... 3,700,000.00

## C. HIGHWAYS

(c) For aid for the construction, repair, reconstruction, and improvement of provincial and city roads and bridges, including the purchase of necessary supplies, materials and equipment ..... 500,000.00

## D. SANITATION

(d) For the construction, repair or reconstruction of national, provincial, city and municipal hospitals, dispensaries and maternities ..... 800,000.00

(e) For aid in the construction, reconstruction, repair and improvement of artesian and draft-pump wells, reconditioning and/or repair of drilling machines, maintenance of well drilling tools and equipment, including the purchase of necessary supplies, materials and equipment .....	400,000.00
(f) For aid in the investigation, survey, construction, repair, reconstruction, extension and improvement of water supply systems, including the purchase of necessary supplies, materials and equipment.....	375,000.00

## E. FLOOD CONTROL AND DRAINAGE

(g) For the investigation, survey, construction, reconstruction, repair and improvement of river control and drainage works, including the purchase of necessary supplies, materials, and equipment .....	600,000.00
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## F. IRRIGATION

(h) For the investigation, survey, construction, reconstruction, repair and improvement of irrigation systems, including the purchase of necessary supplies, materials and equipment .....	800,000.00
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## G. INVESTIGATIONS AND SURVEYS

(i) For the investigation, survey, construction, repair and completion of sea protection works, including the purchase of necessary supplies, materials and equipment....	250,000.00
(j) For the investigation, survey and adjudication of water rights, including the purchase of necessary supplies, materials and equipment .....	25,000.00
(k) For making hydrographic investigation in connection with the study of water supply, irrigation, water power and river control projects, including the purchase of necessary supplies, materials and equipment .....	50,000.00

## H. AIRFIELDS

(l) For the acquisition, construction, improvement, maintenance and operation of airfields for commercial aviation .....	4,000,000.00
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Total appropriated from General  
Funds ..... ₹24,000,000.00

SEC. 2. The following sums, or so much thereof as may be necessary, are hereby appropriated out of the "Port Works Fund" under Act Numbered Three thousand and ninety-two, as amended by Commonwealth Act Numbered One hundred and thirty, not otherwise appropriated, to be at the disposal of the Secretary of Public Works and Communications, and subject to the provisions hereinafter set forth, for the purposes mentioned hereunder:

(a) For the reconstruction and improvement of national ports including the purchase of necessary supplies, materials and equipment .....	500,000.00
(b) For the reconstruction and improvement of lighthouses and other aids to navigation, including the purchase of necessary supplies, materials and equipment .....	300,000.00
(c) For aid in the reconstruction and improvement of municipal ports, including the purchase of necessary supplies, materials and equipment .....	200,000.00
<b>Total appropriated from Port Works Fund .....</b>	<b>₱1,000,000.00</b>
<b>Grand total appropriated in this Act, Twenty-five Million Pesos .....</b>	<b>₱25,000,000.00</b>

SEC. 3. No amount appropriated in this Act shall be set up in the books of the General Auditing Office or otherwise made available for expenditure unless previously authorized by the President of the Philippines.

SEC. 4. The President of the Philippines is authorized to suspend or otherwise stop the expenditures of any amount herein appropriated for any purpose, or any portion thereof, whenever in his opinion the public interest so requires, or when funds shall not be available for the purpose, and thereupon the funds affected by such action shall become available for any other public works expenditure authorized herein as the President may determine.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1230

[REPUBLIC ACT No. 144]

AN ACT TO AMEND SECTIONS SIX, THIRTY-SEVEN, FORTY-TWO, FORTY-FOUR, FORTY-FIVE AND FORTY-SIX OF COMMONWEALTH ACT NUMBERED SIX HUNDRED AND THIRTEEN, ENTITLED "AN ACT TO CONTROL AND REGULATE

THE IMMIGRATION OF ALIENS INTO THE PHILIPPINES" AND TO INSERT A NEW SECTION IN SAID ACT TO BE KNOWN AS SECTION TWENTY-TWO-A.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section six of Commonwealth Act Numbered Six hundred and thirteen is hereby amended to read as follows:

"SEC. 6. The examination of aliens concerning their right to enter or remain in the Philippines shall be performed by Immigrant Inspectors, with the advice of medical authorities in appropriate cases. Immigrant Inspectors are authorized to exclude any alien not properly documented as required by this Act, admit any alien complying with the applicable provisions of the immigration laws and to enforce the immigration laws and regulations prescribed thereunder.

"Immigrant Inspectors are also empowered to administer oaths, to take and consider evidence concerning the right of any alien to enter or reside in the Philippines, and to go abroad and search for aliens on any vessel or other conveyance in which they believe aliens are being brought into the Philippines. Immigrant Inspectors shall have the power to arrest, without warrant, any alien who in their presence or view is entering or is still in the course of entering the Philippines in violation of immigration laws or regulations prescribed thereunder."

SEC. 2. Commonwealth Act Numbered Six hundred and thirteen is amended by inserting between sections twenty-two and twenty-three thereof a new section with the title "Emigration Clearance Certificate" to be known as section twenty-two-A, which shall read as follows:

"EMIGRATION CLEARANCE CERTIFICATE

"SEC. 22-A. Any alien about to depart from the Philippines temporarily or for permanent residence abroad shall, before leaving the country, apply to the Commissioner of Immigration for a clearance certificate. If the Commissioner finds that the applicant has no pending obligation with the Government, its instrumentalities, agencies and subdivisions, and that there is no pending criminal, civil or administrative action which, by law requires his presence, in the Philippines, the Commissioner shall issue the certificate upon surrender of the alien or all other certificates previously issued to him by the Bureau of Immigration showing his admission and/or residence in the Philippines."

SEC. 3. Section thirty-seven of the same Act is hereby amended by changing the period at the end of subpara-



graph (8) of paragraph (a) thereof to a semicolon, and by adding a new subparagraph after the said subparagraph (8) of paragraph (a) to be known as subparagraph (9), which shall read as follows:

"(9) Any alien who commits any of the acts described in sections forty-five and forty-six of this Act, independent of criminal action which may be brought against him: *Provided*, That in the case of an alien who, for any reason, is convicted and sentenced to suffer both imprisonment and deportation, said alien shall first serve the entire period of his imprisonment before he is actually deported: *Provided however*, That the imprisonment may be waived by the Commissioner of Immigration with the consent of the Department Head, and upon payment by the alien concerned of such amount as the Commissioner may fix and approved by the Department Head."

SEC. 4. Section forty-two of the same Act is amended by adding after paragraph (b) thereof a new paragraph to be known as paragraph (c), which shall read as follows:

"(c) A fee of twenty pesos shall be charged for the issuance of an emigration clearance certificate to an alien in the Philippines who departs for temporary or permanent residence abroad."

SEC. 5. Section forty-four of the same Act is hereby amended to read as follows:

"SEC 44. (a) If any vessel or aircraft arriving at a port of the Philippines from a place outside thereof—

"(1) Fails to submit to the immigration officials at the port of arrival the crew lists and passenger manifests and other information required by regulations issued under section thirty-two of this Act; or

"(2) Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest—the pilot, master, agent, owner, or consignee of the vessel or aircraft shall be subject to a fine of fifty pesos in the case of each person concerning whom there is such failure.

"(b) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof and having an alien on board—

"(1) Fails to prevent the landing of such alien in the Philippines at any time or place other than as designated by the immigration officers; or

"(2) Refuses or fails to pay the cost of maintenance and other costs, as required by section thirty-five of this Act, of such alien when temporarily removed from the vessels or aircraft for examination by order of the immigration officers; or

“(3) Refuses to receive such alien on board for removal from the Philippines, if he is excluded, or to pay the cost of his removal, if by another vessel or aircraft, as required by section thirty-six of this Act; or

“(4) Makes any charge against such alien for the cost referred to in clause (2) above, or for the cost of the removal of the alien from the Philippines if he is excluded, or takes any security from the alien for the payment of any such costs—the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos for each and every violation of these provisions in the case of each person concerning whom there is such violation.

“(c) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof brings on board any alien bound for the Philippines who is not properly documented as required by this Act, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos in the case of each person brought.

“(d) The pilot, master, agent, owner, consignee, or any person in charge of a vessel or aircraft which carries passengers into the Philippines from abroad, is prohibited from allowing the passengers to disembark therefrom, unless all the passengers thereof have been checked up by the Commissioner of Immigration or his authorized representatives. A violation of the provisions hereof shall, upon conviction be punishable, by a fine of not more than one thousand pesos and by an imprisonment of not more than six months. If the offender is the owner of the vessel or aircraft the fine imposed herein shall be five thousand pesos.

“(e) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the Commissioner of Immigration shall collect the fine and may enforce through the Collector of Customs, its payment against the vessel in the same manner as fines are collected and enforced against vessels under the customs law. The fines shall be deposited in the Philippine Treasury. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine or while the fine remains unpaid, except upon deposit with the Bureau of Immigration of security sufficient to cover the fine.

“(f) No action or proceeding for the enforcement of any fine for any violation of the provisions of this section shall be instituted more than five years after the violation is committed.”

SEC. 6. Section forty-five of the same Act is hereby amended by inserting a new clause described by the letter (g), changing the clause described by the letter (g) into

letter (h), and further amending the clause described by the letter (d) and (h), so that letters (d), (g) and (h) shall read as follows:

“(d) Being an alien, enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by wilful, false, or misleading representation or wilful concealment of a material fact; or

(g) Being an alien, shall depart from the Philippines without first securing an emigration clearance certificates required by section twenty-two-A of this Act; or

(h) Attempts or conspires with another to commit any of the foregoing act shall be guilty of an offense, and upon conviction thereof, shall be fined not more than one thousand pesos, and imprisoned for not more than two years, and deported if he is an alien.”

SEC. 7. Section forty-six of the same Act is hereby amended to read as follows:

“SEC. 46. Any individual who shall bring into or land in the Philippines or conceal or harbor any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws; or attempts, conspires with, or aids another to commit any such act, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than one thousand pesos, and imprisoned for not more than two years, and deported if he is an alien.”

SEC. 8. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1250

[REPUBLIC ACT No. 145]

AN ACT PENALIZING UNLAWFUL SOLICITATION OF, OR CONTRACT FOR, FEES RELATIVE TO CLAIMS OR BENEFITS UNDER STATUTES OF THE UNITED STATES BEING ADMINISTERED BY THE UNITED STATES VETERANS ADMINISTRATION, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any person assisting a claimant in the preparation, presentation and prosecution of his claim for benefits under the laws of the United States administered by the United States Veterans Administration who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation exceeding twenty pesos in any one claim, or who shall collect his fee before the claim is actually paid to a beneficiary or claimant, shall

be deemed guilty of an offense and upon conviction thereof shall for every offense be fined not exceeding one thousand pesos or imprisoned not exceeding two years, or both, in the discretion of the court.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1251

[REPUBLIC ACT No. 146]

AN ACT PROVIDING SUFFICIENT NOTICE TO THE VETERANS ADMINISTRATION OF MOTIONS OR PETITIONS FILED IN ANY COURT OF THE PHILIPPINES RELATIVE TO GUARDIANSHIP PROCEEDINGS OF ANY PERSON OR HIS ESTATE, OR BOTH, WHEN THE WHOLE OR PART OF THE ESTATE UNDER GUARDIANSHIP IS DERIVED FROM THE UNITED STATES VETERANS ADMINISTRATION.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Notwithstanding the provisions of Rule Twenty-six, section four, of the Rules of Court in the Philippines, notices of motions or petitions filed in any court of the Philippines relative to guardianship proceedings of any person or his estate, or both, when the whole or part of the estate under guardianship is derived from the United States Veterans Administration, shall be served to the said office in Manila at least twenty days before the hearing thereof to enable it to file its pleadings or to send its representative at the hearing of such motions or petitions.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1260

[REPUBLIC ACT No. 147]

AN ACT APPROPRIATING THE SUM OF ONE MILLION PESOS TO DEFRAID THE EXPENSES OF THE NATIONAL GOVERNMENT IN CONNECTION WITH THE ELECTION OF ELECTIVE PROVINCIAL, CITY AND MUNICIPAL OFFICIALS AND OF THE EIGHT SENATORS TO BE HELD ON NOVEMBER ELEVEN, NINETEEN HUNDRED AND FORTY-SEVEN.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Out of any funds in the National Treasury not otherwise appropriated there is hereby appropriated

the sum of one million pesos for the payment, subject to the approval of the Commission on Elections, of the expenses which may be incurred by the National Government in the holding of the election on November eleven, nineteen hundred and forty-seven of the elective provincial, city and municipal officials and of the eight senators who will succeed those whose terms of office will expire on December thirtieth, nineteen hundred and forty-seven, provided for in Republic Act Numbered Forty-five. The sum herein appropriated shall be liable for the corresponding share of the National Government in the expenses of the election, in accordance with section nineteen of the Election Code.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1273

[REPUBLIC ACT No. 148]

AN ACT TO AMEND PARAGRAPH "C," SECTION ONE  
OF REPUBLIC ACT NUMBERED SIXTY-TWO

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Paragraph "C," section one of Republic Act Numbered Sixty-two is hereby amended to read as follows:

"C. Security holders shall submit to the issuer the evidence of their ownership of securities within the period prescribed pursuant to paragraph "A" of this section. Upon proper cause shown, the Securities and Exchange Commission may, in general or specific cases, grant extensions of time for the presentation of proof of ownership of securities, for periods not exceeding six months at a time, but in no case shall the total extended period exceed two years from the expiration of the original period."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1276

[REPUBLIC ACT No. 149]

AN ACT REAPPROPRIATING AND MAKING AVAILABLE ALL BALANCES OF THE APPROPRIATIONS AUTHORIZED UNDER ITEMS J-IV-2 AND J-IV-14 OF REPUBLIC ACT NUMBERED EIGHTY REMAINING UNEXPENDED ON JUNE THIRTIETH, NINETEEN HUNDRED AND FORTY-SEVEN, FOR THE OPENING OF NEW OR ADDITIONAL ELEMENTARY CLASSES IN THE PUBLIC SCHOOLS THROUGHOUT THE PHILIPPINES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The provisions of existing laws to the contrary notwithstanding, all balances of the appropriations authorized under Items J-IV-2 and J-IV-14 of Republic Act Numbered Eighty, to wit:

“2. For salaries and wages of teachers and other employees, sundry expenses, including the purchase of textbooks and supplementary readers, and for the acquisition of furniture and equipment, in connection with the operation and maintenance of public elementary schools.....P31,373,460.00”

“14. For expenses in connection with the organization and maintenance of additional elementary classes in the public schools throughout the Philippines ..... 16,750,000.00”

remaining unexpended on June thirtieth, nineteen hundred and forty-seven, are hereby reappropriated and made available for the opening of new or additional elementary classes in the public schools throughout the Philippines during the school year nineteen hundred and forty-seven and nineteen hundred and forty-eight, including the purchase of textbooks and supplementary readers and the payment of the bonus of teachers, to be expended by the Secretary of Instruction in accordance with the provisions of section 7-I(4) of the Budget Act.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1277

[REPUBLIC ACT NO. 150]

AN ACT EXTENDING UNDER CERTAIN CONDITIONS THE TERM OF THE FRANCHISE GRANTED BY THE MUNICIPAL BOARD OF THE CITY OF MANILA TO CHARLES M. SWIFT, AND LATER TAKEN OVER BY THE MANILA ELECTRIC COMPANY, TO CONSTRUCT, MAINTAIN, AND OPERATE AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE CITY OF MANILA AND ITS SUBURBS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subject to the provisions of the Constitution of the Philippines and of this Act, and subject fur-

ther to the Philippine Trade Agreement of 1946, the term of the franchise granted in pursuance to the authority under Act Numbered Four hundred eighty-four of the Philippine Commission by the Municipal Board of the City of Manila to Charles M. Swift, and later assumed and taken over by the Manila Electric Company, as contained in Ordinance Numbered Forty-four, Parts Two and Three, of the said Municipal Board of the City of Manila, as amended, to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing for sale electric light, heat and power throughout the City of Manila and its suburbs, is hereby extended, under the same terms and conditions therein provided, for a period of twenty years from the date of its expiration.

SEC. 2. During the period from November first, nineteen hundred and forty-five, up to the end of a five-year period counted from the date of the approval of this Act, the grantee shall spend and/or invest an amount of not less than forty million pesos for the repairs, reconditioning, rehabilitation and replacement of, and new additions to, its electric light, heat and power system, including but not limited to shop equipment, electric generating, transmission and distribution systems and equipment, power plants, sub-stations, real estate, buildings, furniture and office equipment needed in connection with its business.

SEC. 3. At any time during the remainder of the life of the existing franchise and during the term of the extension herein granted, or at the termination thereof due to expiration or for any cause whatsoever, the Government of the Republic of the Philippines may purchase, and the grantee shall sell, all its entire property including its lines, power plants, sub-stations, transmission and distribution systems, real estate buildings, plants, rights and other properties used by it in the operation of its electric light, heat and power system under its franchise at the fair valuation thereof appearing in the books of the grantee and approved by the Public Service Commission, excluding therefrom the money value of the earning capacity of the business for the unexpired period of the franchise, and deducting therefrom the balance of the accrued depreciation appearing in the books of the grantee based on rates of depreciation approved by the Public Service Commission: *Provided*, That in case of disagreement as to such fair valuation, either party may submit the question to the Supreme Court of the Philippines, which is hereby given exclusive original jurisdiction to hear and determine the same and whose decision shall be final.

SEC. 4. Effective upon the expiration of the existing franchise, there shall be collected upon the gross earnings or receipts from the business of the grantee under its extended franchise a tax of five *per centum*.

SEC. 5. The rights herein granted shall not be sold, transferred or alienated by grantee to any other party without previous authority from the Congress.

SEC. 6. The extension herein granted shall be effective if the grantee, the Manila Electric Company, shall file with the Office of the President of the Philippines, its acceptance in writing of the provisions of this Act within three months after the approval of the same.

SEC. 7. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1281

[REPUBLIC ACT No. 151]

AN ACT TO AMEND SECTION TWO HUNDRED AND SIXTY-THREE OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX, KNOWN AS THE NATIONAL INTERNAL REVENUE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section two hundred and sixty-three of Commonwealth Act Numbered Four hundred and sixty-six, known as the National Internal Revenue Code, is hereby amended to read as follows:

"SEC. 263. *Mode of measuring timber.*—Except as herein below provided, all timber shall be measured and manifested in the round or squared, before being sawn or manufactured. The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log, the diameter of the log to be measured exclusive of the bark; but if the end of a log is irregular the average diameter shall be used; and in order to ascertain the volume of a log more than eight meters long, the diameter of the middle of said log, or the average of the diameters, at both ends thereof, shall be used as basis. If a log in the round, cut under license, is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The manifest of timber cut by licensees operating sawmills in or near the forest shall be attested by forest officers whenever practicable.



The volume of squared timber shall be ascertained by multiplying the average of the cross section measured by the length, to which forty *per centum* shall be added for loss in squaring: *Provided, however*, That if squared timber cut under license is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The privilege of manifesting timber after squaring shall, however, be granted only to licensees who have squared their logs in the forests with the ax and intend to take it to the market in this form.

If sawn or otherwise manufactured timber is found which has not been manifested in accordance with the provisions hereof, the corresponding forest charges shall be assessed on twice the volume of the actual contents of such sawn or manufactured timber.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1288

[REPUBLIC ACT No. 152]

AN ACT TO AMEND SECTION EIGHTEEN HUNDRED  
AND TWENTY-NINE OF ACT NUMBERED  
TWENTY-SEVEN HUNDRED AND ELEVEN AS  
AMENDED, OTHERWISE KNOWN AS THE RE-  
VISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section eighteen hundred and twenty-nine of Act Numbered Twenty-seven hundred and eleven as amended, otherwise known as the Revised Administrative Code, is hereby amended to read as follows:

"SEC. 1829. *Registration of title to private forest land.*— Every private owner of land containing timber, firewood and other minor forest products shall register his title to the same with the Director of Forestry. A list of such owners, with a statement of the boundaries of their property, shall be furnished by said Director to the Collector of Internal Revenue, and the same shall be supplemented from time to time as occasion may require.

Upon application of the Director of Forestry the fiscal of the province in which any such land lies shall render

assistance in the examination of the title thereof with a view to its registration in the Bureau of Forestry."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1284

[REPUBLIC ACT No. 153]

AN ACT TO AMEND SECTION TWO HUNDRED AND SIXTY-FIVE OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX, KNOWN AS THE NATIONAL INTERNAL REVENUE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section two hundred and sixty-five of Commonwealth Act Numbered Four hundred sixty-six, known as the National Internal Revenue Code, is hereby amended to read as follows:

"SEC. 265. *Charges on firewood cut in public forests.*—On firewood cut in public forests and forest reserves, the following charges shall be collected:

On bacauan, langaray, pototan and tañgal, per cubic meter, forty centavos.

On other woods, per cubic meter, twenty centavos.

Only third or fourth-group wood can be taken for firewood. However, at the discretion of the Director of Forestry, first and second-group woods may be removed for firewood purposes from land which is more valuable for agricultural than for forest purposes."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1285

[REPUBLIC ACT No. 154]

AN ACT TO AMEND SECTION EIGHT OF REPUBLIC ACT NUMBERED SIXTY-FIVE, GRANTING CERTAIN PRIVILEGES TO VETERANS IN TAKING THE CIVIL SERVICE EXAMINATIONS AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section eight, Republic Act Numbered Sixty-five, is hereby amended to read as follows:

"SEC. 8. For a period of three years from the time of the passage of this Act, the persons mentioned in sections one and two hereof shall, all other qualifications being equal:

(1) Have preference in appointments and promotions in and to any Government office, agency, or instrumentality,

or in and to any Government-owned or subsidized corporation, the provisions of law as to civil service eligibility notwithstanding: *Provided*, That in examinations where experience is an element of qualification the time spent in the military or naval service of the United States or of the Philippines shall be credited in a veterans' rating where his actual employment in a similar vocation to that for which he is examined was interrupted by such military or naval service.

(2) Have preference to purchase public lands and Government-owned or managed agricultural farms or subdivisions, to obtain homesteads, concessions and franchises, and other privileges for the exploitation of the national resources which are permissible and made available by existing law or the like; and

(3) Have preference to purchase enemy and war surplus properties of any nature whatsoever which the Government may sell.

The rights and privileges provided in paragraphs two and three of this section may be extended by the President, upon the recommendation of the Board, to Filipino officers and enlisted men who have served with the Forces of Liberation of the United States Army in the Philippines or who have served elsewhere in the Army, Naval or Air Forces of the United States or of any allied nation during the war and have established their *bona fide* intention to be repatriated to or established in their homes in the Philippines and to veterans of Philippine revolutions against Spain and the United States.

It shall be the duty of all heads of branches, departments, bureaus, offices, and agencies of the Government, including its political subdivisions, and of Government-owned or subsidized corporations to comply with the provisions of this section."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1290

[REPUBLIC ACT NO. 155]

AN ACT TO AUTHORIZE THE PRINTING AND ISSUE  
OF SEMI-POSTAL STAMPS IN ORDER TO RAISE  
FUNDS FOR THE PHILIPPINE NATIONAL RED  
CROSS.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. To help raise funds for the Philippine National Red Cross, the Director of Posts, subject to the approval of the Department Head, is hereby authorized to

order from time to time the printing and issue of semi-postal stamps of different denominations with face value showing the regular postage charge plus the additional amount destined for the said purpose. The additional sums realized from the sale of the semi-postal stamps shall be deposited with the National Treasurer or his deputies to the credit of the Philippine National Red Cross.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1947.

H. No. 1162

[REPUBLIC ACT No. 157]

AN ACT CREATING A BUREAU OF INVESTIGATION,  
PROVIDING FUNDS THEREFOR, AND FOR  
OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. There is hereby created a Bureau of Investigation under the Department of Justice which shall have the following functions:

(a) To undertake investigations of crimes and other offenses against the laws of the Philippines, upon its own initiative and as public interest may require;

(b) To render assistance, whenever properly requested in the investigation or detection of crimes and other offenses;

(c) To act as a national clearing house of criminal and other informations for the benefit and use of all prosecuting and law-enforcement entities of the Philippines, identification records of all persons without criminal convictions, records of identifying marks, characteristics, and ownership or possession of all firearms as well as of test bullets fired therefrom;

(d) To give technical aid to all prosecuting and law-enforcement officers and entities of the Government as well as to the courts that may request its services;

(e) To extend its services, whenever properly requested, in the investigation of cases of administrative or civil nature in which the Government is interested;

(f) To undertake the instruction and training of a representative number of city and municipal peace officers at the request of their respective superiors along effective methods of crime investigation and detection in order to insure greater efficiency in the discharge of their duties;

(g) To establish and maintain an up-to-date scientific crime laboratory and to conduct researches in furtherance of scientific knowledge in criminal investigation;

(h) To perform such other related functions as the Secretary of Justice may assign from time to time.

SEC. 2. The Bureau of Investigation shall be headed by a Director who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines, and shall receive an annual compensation of seven thousand two hundred pesos.

SEC. 3. The composition and size of the personnel of the Bureau of Investigation shall be determined by the Director of the Bureau of Investigation: *Provided*, That the present personnel of the Division of Investigation shall be transferred to, and form the nucleus of, the new Bureau.

SEC. 4. Appointments to positions in the Bureau of Investigation shall be made only according to merit and fitness to be determined as far as practicable by competitive mental and physical examination and after adequate instruction and training. Promotions shall be made with due regard to seniority and past record of efficiency: *Provided*, That such personnel as shall be appointed for general investigation shall be, as far as practicable, graduates of recognized law schools or colleges or members of the bar, and, whenever a special need arises, certified public accountants and those with at least ten years experience and training in other law-enforcement organizations.

SEC. 5. Member of the investigation staff of the Bureau of Investigation shall be peace officers, and as such have the following powers:

(a) To make arrests, searches and seizures in accordance with existing laws and rules;

(b) To issue *subpoena* or *subpoena duces tecum* for the appearance at Government expense of any person for investigation;

(c) To take and require sworn truthful statements of any person or persons so summoned in relation to cases under investigation, subject to constitutional restrictions;

(d) To administer oaths upon cases under investigation;

(e) To possess suitable and adequate firearms for their personal protection in connection with their duties and for the proper protection of witnesses and persons in custody: *Provided*, That no previous special permit for such possession shall be required;

(f) To have access to all public records and, upon authority of the President of the Philippines in the exercise of his visitorial powers, to records of private parties and concerns.

SEC. 6. The Division of Investigation of the Department of Justice shall be abolished.

SEC. 7. All unexpended appropriations, supplies, materials, and scientific equipment of the Division of Investigation shall be transferred to the Bureau of Investigation.

SEC. 8. For purposes of this Act, there is hereby appropriated from the National Treasury not otherwise set aside, in addition to the sum already appropriated for the Division of Investigation, the sum of five hundred thousand pesos for the salaries and wages, traveling and other expenses of personnel, for the purchase of necessary supplies, materials and equipment, and for other purposes.

SEC. 9. Commonwealth Act Numbered One hundred and eighty-one as well as any other act or provisions of act inconsistent herewith is hereby repealed.

SEC. 10. This Act shall take effect upon its approval.

Approved, June 19, 1947.

S. No. 199

[REPUBLIC ACT No. 158]

AN ACT TO AMEND SUBSECTION (d), SECTION SEVEN OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND SIXTY-EIGHT, KNOWN AS THE "CIVIL AVIATION LAW," AND TO GRANT LICENSES FOR AIRMEN TO NATIONALS OF ANY COUNTRY UNDER CERTAIN CONDITIONS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section seven, subsection (d) of Commonwealth Act Numbered One hundred and sixty-eight is hereby amended to read as follows:

"(d) *Ownership of aircraft.*—No person shall engage in air commerce and no aircraft shall be operated or navigated, without having been granted a license or permit therefor issued in accordance with the provisions of this Act. Except as may be necessary in the operation of an international air service, no permit shall be issued for the operation of any aircraft in air commerce that is registered under the laws of any foreign country, or any aircraft that is not absolutely owned and exclusively controlled by:

"(1) A citizen or citizens of the Philippines; or

"(2) A partnership or other joint enterprise of which each member is a citizen of the Philippines; or

"(3) A corporation organized under the laws of the Philippines, of which the directing head and at least two-thirds of the directors and managing officers are citizens of the Philippines; and of which at least sixty-six and two-thirds per cent of the voting interest of the corporation is owned absolutely and controlled exclusively by citizens of the Philippines; or

"(4) The Government of the Philippines or a political subdivision thereof:

*"Provided, however,* That with the approval of the President of the Philippines, the Secretary of National Defense, upon the recommendation of the Director of Aeronautics, may allow the registration and issue permits for the operation of aircrafts owned by any person, corporation, or association for personal use only to Filipino citizens and to aliens whose countries allow reciprocal privilege to Filipino nationals."

SEC. 2. Any provision of existing law to the contrary notwithstanding, with the approval of the President of the Philippines, the Secretary of National Defense may grant for a period of five years from the approval of this Act, licenses for airmen, to Filipino citizens and to aliens whose countries allow reciprocal privilege to Filipino nationals: *Provided, however,* That such licenses shall only be granted to said aliens who have resided in the Philippines for at least three months: *Provided, further,* That during the said period of five years, the number of licensed alien airmen shall be reduced every succeeding year to one-half of the number of licensed alien airmen in the preceding year.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 258

[REPUBLIC ACT No. 159]

AN ACT TO RECREATE THE FORMER MUNICIPALITY OF CARAMORAN, PROVINCE OF CATANDUANES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. As soon as the public interest may require and subject to such conditions as he may desire to impose, the President of the Philippines is authorized to recreate, by proclamation, the former municipality of Caramoran, Province of Catanduanes. Its territorial jurisdiction shall comprise all the territory included in the former municipality of Caramoran before it was incorporated with the municipality of Pandan in nineteen hundred and seven.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 696

[REPUBLIC ACT No. 160]

AN ACT TO PROVIDE A SCALE OF SALARIES FOR MEMBERS OF THE POLICE FORCE OF MUNICIPALITIES, AMENDING FOR THE PURPOSE SEC-

TION TWENTY-TWO HUNDRED AND SEVENTY-THREE OF THE REVISED ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section twenty-two hundred and seventy-three of the Revised Administrative Code is hereby amended to read as follows:

“SEC. 2273. *Salaries of members of police force.*—The salaries of the chief of police and other members of the police force shall be fixed by the municipal council.

Except as otherwise specially provided, the annual salaries of members of the municipal police shall not exceed the amounts hereinbelow fixed:

In municipalities of the first class: for the chief of police, two thousand pesos; for the lieutenant of police, one thousand eight hundred pesos; for the sergeant, one thousand two hundred pesos; for the corporal, nine hundred and sixty pesos; and for other members of the police force, eight hundred and forty pesos.

In municipalities of the second class: for the chief of police, one thousand six hundred and eighty pesos; for the sergeant, one thousand two hundred pesos; for the corporal, nine hundred and sixty pesos; and for other members of the police force, eight hundred and forty pesos.

In municipalities of the third class: for the chief of police, one thousand two hundred and sixty pesos; for the corporal, nine hundred and sixty pesos; and for other members of the police force, eight hundred and forty pesos.

In municipalities of the fourth class: for the chief of police, nine hundred and sixty pesos; and for other members of the police force, six hundred pesos.

In municipalities of the fifth class: for the chief of police, six hundred pesos; and for other members of the police force, four hundred and eighty pesos.”

SEC. 2. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 962

[REPUBLIC ACT No. 161]

AN ACT TO AUTHORIZE THE RECLAMATION OF FORESHORE LANDS BY THE CITY OF BACOLOD

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Authority is hereby granted the City of Bacolod to undertake and carry out at its own expense the reclamation by dredging, filling or other means, of any



foreshore lands bordering the city in order to establish and provide proper and adequate docking and harbor facilities for interisland and ocean going vessels calling at the aforesaid city.

SEC. 2. Any and all lands reclaimed as herein provided shall be the property of the City of Bacolod except that the new foreshore along the reclaimed lands shall continue to be the property of the National Government.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 981

[REPUBLIC ACT NO. 162]

### AN ACT CREATING THE CITY OF LIPA

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. This Act shall be known as the Charter of the City of Lipa.

#### ARTICLE I.—General Provisions

SEC. 2. *Territory of the City of Lipa.*—The City of Lipa which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Lipa, in the Province of Batangas.

SEC. 3. *Corporate character of the city.*—The City of Lipa constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. *Seal and general powers of the city.*—The city shall have a common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interest of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 5. *The city not liable for damages.*—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the Municipal Board, the Mayor, or any other city officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Municipal Board, or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 6. *Jurisdiction of the city.*—The jurisdiction of the City of Lipa for police purposes shall be coextensive with its territorial jurisdiction, and for the purpose of pro-

tecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal aqueduct or pumping station used in connection with the city water service.

ARTICLE II.—*The Mayor*

SEC. 7. *The Mayor—His appointment and compensation.*—The Mayor shall be the chief executive of the city. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office at the pleasure of the President.

He shall receive a salary of not exceeding four thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a not commutable allowance of not exceeding two thousand pesos per annum.

SEC. 8. *The Acting Mayor.*—In the event of sickness, absence, or other temporary incapacity of the Mayor, or in the event of a vacancy in the position of Mayor, the City Treasurer shall perform the duties of the Mayor until said office shall be filled in accordance with law. If, for any reason, the duties of the office of the Mayor cannot be performed by the City Treasurer, said duties shall be performed by the City Engineer. In case of the incapacity of the officials mentioned above to perform the duties of the Mayor, the President shall appoint or designate one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed or designated is other than a Government official, he shall receive the same compensation.

SEC. 9. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the authority and supervision of the Secretary of the Interior. He shall have the following general powers and duties:

(a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.

(b) To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city, and, subject to the provisions of this Charter, have control of all its property.

(c) To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.

(e) To see that the executive officers and employees of the city properly discharge their respective duties.

(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city over whom he has executive supervision and control at least once a year, and whenever occasion arises. For this purpose he shall be provided by the Municipal Board with such clerical or other assistance as may be necessary.

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

(h) To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.

(i) To submit to the Municipal Board at least two months before the beginning of each fiscal year a budget of receipts and expenditures of the city.

(j) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.

(k) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interests.

(l) To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof.

(m) To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storm and other public calamities.

(n) To submit an annual report to the Secretary of the Interior.

(o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior,

of not exceeding one thousand eight hundred pesos per annum.

The secretary shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the Mayor, and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and shall charge twenty centavos for each one hundred words including the certificate, such fees to be paid directly to the City Treasurer.

#### ARTICLE III.—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board—Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be composed of the Mayor, who shall be its presiding officer, the city treasurer, the city engineer, and five councilors elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Election Code. In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

If any member of the Municipal Board should be candidate for office in any election, he shall be incompetent to act with the Board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance, or they may choose some disinterested elector of the city to act with the Board in such matters in his stead.

The members of the Municipal Board, who are not officers or employees of the Government receiving a fixed compensation or salary from public funds, shall receive ten pesos for each day of attendance on the session of the Board.

SEC. 12. *Qualifications, election, suspension and removal of members of Board.*—The elective members of the Municipal Board shall be qualified electors of the city, residents therein for at least one year, and not less than twenty-three years of age. Upon qualifying, the members-elect shall

assume office on the date fixed in the Election Code until their successors are elected and qualified.

If for any reason the election fails to take place on the date fixed by law, or such election results in a failure to elect one or more of the elective members, the President shall issue as soon as practicable a proclamation calling a special election to fill said office. Whenever the member-elect dies before assumption of office, or, having been elected, his election is not confirmed by the President for disloyalty, or such members-elect fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment. Vacancies in the office of elective members occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

The elective members of the Municipal Board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the Board.

SEC. 13. *Appointment, salary and duties of secretary of Board.*—The Board shall have a secretary who shall be chosen by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos per annum. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board—City of Lipa," and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board; shall cause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words including the certificate, the fees to be paid directly to the city treasurer and shall keep his office and all records

therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 14. *Method of transacting business by the Board—Veto—Authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the Board shall hold one ordinary session for the transaction of business during each week on a day which shall be fixed by resolution, and such extraordinary session, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Five members of the Board shall constitute a *quorum* for the transaction of business, but a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority votes of the members present at any meeting duly called and held. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Board, signed by the presiding officer and the secretary of the Board and recorded in a Book for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance to the City Hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution, or motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative

votes of six members of the Board, and again forwarded to the Mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the Secretary of the Interior for his approval or disapproval, which shall be final.

The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

The Secretary of the Interior shall have full power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the Municipal Board if he finds said ordinance, resolution or motion or parts thereof, beyond the powers conferred upon the Board.

SEC. 15. *General powers and duties of the Board.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the Municipal Board shall have the following legislative powers:

(a) To provide for the levy and collection of taxes for general and special purpose in accordance with law including specifically the power to levy real property tax not to exceed two *per centum ad valorem*.

(b) To make all appropriations for the expenses of the government of the city.

(c) To fix with the approval of the Department Head the number and salaries of officials and employees of the city not otherwise provided for in this Act.

(d) To authorize with the approval of the Department Head the free distribution of medicines to the employees and laborers of the city whose salaries or wages, do not exceed sixty pesos per month or two pesos and fifty centavos per day; of fresh or evaporated native milk to indigent mothers residing in the city and of bread and light meals to indigent children of ten years or less of age residing in the city, the distribution to be made under the direct supervision and control of the Mayor.

(e) To fix the tariff of fees and charges for all services rendered by the city or any of its department, branches or officials.

(f) To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.

(g) To establish and maintain schools as provided by law and with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

(h) To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the vocational schools and in those higher institutions supported entirely by the city.

(i) To establish and maintain an efficient police force and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes, and persons convicted of violating any of the ordinances of the city.

(j) To establish and maintain an efficient fire force and provide engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

(k) To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.

(l) To regulate the use of lights in stables, shops, and other buildings and places and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, skyrockets, and other pyrotechnic display, and to fix the fees for such permits.

(m) To make regulations to protect the public from conflagration and to prevent and mitigate the effects of famine, floods, storms, and other public calamities, and provide relief for persons suffering from the same.

(n) To regulate and fix the amount of the license fees for the following: Hawkers, peddlers and hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, beauty parlors, massagists, tatooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding houses, livery garages, livery stables, boarding stalls, dealers in large cattle, public billiard tables, laundries, cleaning and dyeing establishments, public warehouses, circuses, and other similar parades, public vehicles, race tracks, horse races,



bowling alleys, shooting galleries, slot machines, merry-go-rounds, pawnshops, dealers in second-hand merchandise, junk dealers, brewers, distillers, rectifiers, money changers and brokers, public ferries, theaters, theatrical performances, cinematographs, public exhibitions, and all other performances and places of amusements, and the keeping, preparations, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread, and other provisions.

(o) To tax and fix the license fees on dealers in new automobiles or accessories or both, and retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, those retail dealers shall be classified as (a) retail dealers in general merchandise; and (b) retail dealers exclusively engaged in the sale of (a) textile including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods.

(p) To tax, fix the license fee for, regulate the business and fix the location of, match factories, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the rules and regulations issued by the Director of Health in accordance with law, tanneries, renderies, tallow chandleries, embalmers and funeral parlors, bone factories, and soap factories.

(q) To impose tax on motor and other vehicles, and draft animals not paying any national tax; provided that all automobiles and trucks belonging to the National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the city shall be exempt from such tax.

(r) To regulate the method of using steam engines and boilers, and all other motive powers other than marine or those belonging to the Government of the Philippines; to provide for the inspection thereof, and for a reasonable fee for such inspection and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(s) To enact ordinances for the maintenance and preservation of peace and good morals.

(*t*) To regulate and fix the license fees for the keeping of dogs, to authorize their impounding and destruction when running at large contrary to ordinance, and to tax and to regulate the keeping or training of fighting cocks.

(*u*) To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(*v*) To prohibit and provide for the punishment of cruelty to animals.

(*w*) To regulate the inspection, weighing, and measuring of brick, lumber, coal, and other articles of merchandise.

(*x*) To prohibit the establishment or operation of dance halls, cabarets, and cockpits.

(*y*) Subject to the provisions of subsection (*f*) of section one thousand nine hundred one of the Administrative Code, to provide for the laying out, construction, and improvement, and to regulate the use, of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for, and prohibit the use of the same for processions, signs, signposts, awning, awning posts, the carrying or displaying of banners, placards, advertisements, or hand bills, or the flying of signs, flags, or banners, whether along, across, over or from buildings, along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse or other offensive matter or matters liable to cause damage, in the streets and other public places and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the author or owners thereof; to provide for the construction and maintenance, and regulate the use, of bridges, viaducts, and culverts; to prohibit or regulate ball-playing, kite-flying, hoop-rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other ani-

mals; to regulate the speed of horses and other animals; motor and other vehicles, cars, and locomotives within the limits of the city; to regulate the lights used on such vehicles, cars, and locomotives; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; unless otherwise provided by law, to provide for and change the location, grade, and crossing of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, to provide suitable protection against injury to persons or property, and to construct and repair ditches, drains, sewers, and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(z) To provide for the construction and maintenance of, and regulate the navigation on, canals and water courses within the city and provide for the clearing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance, and regulate the use of public landing places, wharves, piers, docks and levees, and of those of private ownership, and to provide for or regulate the drainage and filing of private premises when necessary in the enforcement of sanitary rules and regulations issued in accordance with law.

(aa) Subject to the provisions of the Public Service Law, to fix the charges to be paid by all water craft landing at or using public wharves, docks, levees, or landing places owned, operated, managed or controlled by the city.

(bb) To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix subject to the provisions of the Public Service Law, and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(cc) To provide for the establishment and maintenance and regulate the use, of public drains, sewers, latrines, and cesspools.

(dd) Subject to the rules and regulations issued by the Director of Health in accordance with law, to provide for the establishment, maintenance and regulation and fix the fees for the use of public stables, laundries and baths, and public markets and prohibit the establishment or operation within the city limits of public markets by any person, entity, association, or corporation other than the city.

(ee) To establish or authorize the establishment of slaughterhouses, to provide for their veterinary or sanitary inspection, to regulate the use of the same, and to charge reasonable slaughter fees. No fees shall be charge for veterinary or sanitary inspection of meat from large cattle or other domestic animals slaughtered outside the city, when such inspection was had at the place where the animals were slaughtered.

(ff) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment, or service open to the public within the city limits; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution, or removal of the same when defective or dangerous.

(gg) To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants or buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so after sixty days from the date of serving a written notice, the cost thereof to be assessed to the owner to the extent of not to exceed sixty *per centum* of the assessed value, which cost shall constitute a lien against the property; and to regulate or prohibit or fix the license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of bill-boards or structures of whatever material, erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

(hh) To provide for the enforcement of the rules and regulations issued by the Director of Health, and by ordinance to prescribe penalties for violation of such rules and regulations.

(ii) To extend its ordinances over all waters within the city, over any boat or other floating structures thereon and, for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(jj) To tax, fix the license fee for, and regulate the sale, trading in or disposal of, alcoholic or malt beverages, wines, and mixed or fermented liquors including tuba, basi, and tapuy, offered for retail sale.

(kk) To regulate any other business or occupation not specifically mentioned in the preceding paragraphs, and to impose a license fee upon all persons engaged in the same or who enjoy privileges in the city.

(ll) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act.

(mm) To fix the date of the holding of fiesta in the city not oftener than once a year and to alter, not oftener than once in three years, the date so fixed for the celebration thereof.

(nn) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this Act, and to fix the penalties for the violation of ordinances, which shall not exceed a two hundred-peso fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 16. *Restrictive provisions.*—No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the Mayor shall decide that any sign, signboard, or billboard displayed or exposed in public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard; and if same is not removed within ten days after he has issued such order, he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the creation or display thereof.

#### ARTICLE IV.—*Department and Offices of the City*

SEC. 17. *City departments.*—There shall be a finance department, an engineering department, a law department, a police department and a fire department. Unless otherwise provided by law, the Mayor shall have general supervisory control over all the city departments.

The Municipal Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and with the approval of the President, may consolidate any department, division or office of the city with any other department, division or office.

SEC. 18. *Powers and duties of heads of departments.*—Each head of department of the city government shall be in control of such department and shall possess such powers

as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. At least four months before the beginning of each fiscal year, he shall prepare and present to the Mayor an estimate of the appropriation necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the mayor as often as required reports covering the operations of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the city departments, the officer next in charge of that department shall act in his place with authority to sign all necessary papers, vouchers, requisitions, and so forth.

SEC. 19. *Appointment and removal of officials and employees.*—The President of the Philippines shall appoint, with the consent of the Commission on Appointments of the Congress of the Philippines, the judge and auxiliary judge of the municipal court, the city treasurer, the city engineer, the city attorney, the chief of police, the chief of the fire department, and the other heads of such city departments as may be created. Except the judge and the auxiliary judge of the municipal court, said officers shall hold office at the pleasure of the President.

All other officers and employees of the city whose appointments are not otherwise provided for by law shall be appointed by the Mayor, upon the recommendation of the corresponding city department head, in accordance with the Civil Service Law and they shall be suspended or removed in accordance with said law.

SEC. 20. *Officers not to engage in certain transaction.*—It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

#### ARTICLE V.—*Finance Department*

SEC. 21. *The city treasurer—His powers, duties and compensation.*—There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief

fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of not exceeding three thousand six hundred pesos per annum. He shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents due for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all cost, fees, fines and forfeitures imposed by the municipal court.

(b) He shall collect all miscellaneous charges made by the engineering department and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installation, maintenance, and services rendered in the operation of the private system.

(c) He shall collect, as deputy of the Collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the Government of the Republic of the Philippines upon property or person in the City of Lipa, depositing daily such collections in any depository bank of the Government.

(d) Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers generally, as well as the other duties imposed upon him by law.

(e) He shall purchase and issue all supplies, equipment or other property required by the city, through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

(f) He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.

(g) He shall deposit daily all municipal funds and collections in any bank duly designated as Government depository.

(h) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the Municipal Board for their administrative information a statement of the appropriations, expenditures and balances of all funds and accounts as of the last day of the month preceding.

#### ARTICLE VI.—*Engineering Department*

SEC. 22. *The city engineer—His powers, duties and compensation.*—There shall be a City Engineer, who shall

be in charge of the Department of Engineering and Public Works. He shall receive a salary of not exceeding three thousand pesos per annum. He shall have the following powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the surveys of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the Mayor.

(c) He shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same.

(d) He shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality.

(e) He shall have the care of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places, and public buildings.

(f) He shall have the care of all public streets, parks, and bridges, and shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city.

(g) He shall have the care and custody of all public docks, wharves, piers, levees, and landing places owned by the city.

(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.

(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, *esteros*, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating thereto.

(j) He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same, in accordance with the ordinances relating thereto; shall inspect and regulate the use of all private



systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system.

(k) He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city.

(l) He shall inspect and report upon the conditions of public property and public works whenever required by the Mayor.

(m) He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department.

(n) He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city.

(o) With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances; and shall cause buildings or structures dangerous to the public to be made secure or torn down.

(p) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

SEC. 23. *Execution of authorized public works and improvement.*—All repair or construction of any work or public improvement, except parks, boulevards, streets, or alleys, involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement in the *Official Gazette* for not less than ten days, by the Mayor upon the recommendation of the city engineer: *Provided, however,* That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In the case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulations, prescribed.

ARTICLE VII.—*Law Department*

SEC. 24. *The city attorney—His powers and duties.*—The city attorney shall be the chief legal adviser of the city. He shall receive a salary of not exceeding three thousand pesos per annum. He shall have the following powers and duties:

(a) He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

(c) He shall, when requested, attend meetings of the Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.

(d) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof.

(e) He shall, whenever it is brought to his knowledge that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the Mayor.

(f) He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by subpoena, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance.

(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Batangas and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicions that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand

and receive for the purposes of such investigations or autopsies the aid of the city health officer.

(i) He shall at all times render such professional services as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

(j) He shall perform the duties prescribed by law for register of deeds.

#### ARTICLE VIII.—*Police Department*

SEC. 25. *The chief of police—His powers, duties and compensation.*—There shall be a chief of police who shall have charge of the police department. He shall receive salary of not exceeding two thousand four hundred pesos per annum. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law, for the governance of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the jurisdiction of the city; shall be charged with the protection of the rights of person and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any person arrested for violation of any city ordinance.

(d) He shall have authority within the police limits of the city, to serve and execute criminal processes of any court.

(e) He shall be the deputy sheriff of the city, and as such he shall, personally or by representative, attend the sessions of the municipal court, and shall execute promptly and faithfully, all writs and process of said court.

(f) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

SEC. 26. *Chief of secret service.*—There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and

of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

The chief of secret service shall receive a salary of not exceeding one thousand eight hundred pesos per annum.

SEC. 27. *Peace officers—Their powers and duties.*—The Mayor, the chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime, or breach of the peace, to arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

#### ARTICLE IX.—*Fire Department*

SEC. 28. *Chief of fire department—His powers, duties and compensation.*—There shall be a chief of the fire department who shall have charge of said department. He shall receive a salary of not exceeding one thousand eight hundred pesos per annum. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

(b) He shall have charge of fire-engine houses, fire engines, hose carts, hooks and ladders, trucks, and all other fire apparatus.

(c) He shall have full police powers in the vicinity of fires.

(d) He shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property.

(e) He shall investigate and report to the Mayor on the origin and cause of all fires occurring within the city.

(f) He shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with ordinances relating thereto.

(g) He shall have charge of the city fire alarm service.

(h) He shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connection with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.

(i) He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives.

(j) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

#### ARTICLE X.—*Assessment Department*

SEC. 29. *The city assessor—His powers and duties.*—The city assessor shall have charge of the department of assessment. He shall receive a salary of not exceeding two thousand four hundred pesos per annum. He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make the list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value thereof. In making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cash value. He may, if necessary, examine the records of the office of the Register of Deeds in the Province of Batangas showing the ownership of real estate in the city. The city treasurer shall act as city assessor until the Municipal Board, by

ordinance approved by the Department Head, provides otherwise.

SEC. 30. *Real estate exempt from taxation.*—The following shall be exempted from taxation:

(a) Lands or buildings owned by the Republic of the Philippines, the Province of Batangas, or the City of Lipa, and burying grounds, churches, and their adjacent personages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though income therefrom be devoted to religious, charitable, scientific, or educational purposes.

(b) Lands or buildings which are the only real property of the owner, and the value of which does not exceed two hundred pesos.

(c) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery.

SEC. 31. *Declaration to be made by persons acquiring or improving real estate.*—It shall be the duty of each person who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvements on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the city assessor readily to identify the same. Any person having acquired real estate who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its actual owner.

SEC. 32. *Action when owner makes no return, or is unknown, or ownership in dispute or in doubt, or when land and improvements are separately owned.*—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors

thereof. When it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made.

SEC. 33. *Action in case estate has escaped taxation.*—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided and if the failure of the city assessor to assess such taxes at the time when they should have been assessed, was due to any fault or negligence on the part of the owner of such property, the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

SEC. 34. *When assessment may be increased or reduced.*—The city assessor shall, during the first fifteen days of January of each year, add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has theretofore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessments as the case may be.

SEC. 35. *Publication of complete list and proceedings thereon.*—The city assessor shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the City Hall, that the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of February, the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. He shall further notify in writing each person the amount of whose tax will be changed by such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines, some time in the month of January.

It shall be his duty carefully to preserve and record in his office copies of said notices. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith

and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice has been done or errors have been committed he is authorized to amend the list in accordance with his findings.

SEC. 36. *City assessor to authenticate lists of real estate assessed.*—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the fact thereof;

“I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in the City of Lipa has been omitted from the list, according to the best of my knowledge and belief.

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(Signature)  
City Assessor”

SEC. 37. *Time and manner of appealing to Board of Tax Appeals.*—In case any owner of real estate or his authorized agent shall feel aggrieved by any decision of the city assessor under the preceding sections of this article, such owner or agent may, within thirty days after the entry of such decision, appeal to the Board of Tax Appeals. The appeal shall be perfected by filing a written evidence in his possession relating to such assessment and valuation.

SEC. 38. *Constitution and compensation of Board of Tax Appeals.*—There shall be a Board of Tax Appeals which shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines. Three members of the Board shall be selected from among government officials in the city other than those in charge of assessment and they shall serve without additional compensation. The two other members shall be selected from among property owners in the city and they shall each receive compensation of ten pesos for each day of session actually attended. The chairman of the board shall be designated in the appointment and shall have the power to designate any city official or employee to serve as the secretary of the board without additional compensation.

The members of the Board of Tax Appeals shall hold office for a term of two years unless sooner removed by the President of the Philippines.

SEC. 39. *Oath to be taken by members of the Board of Tax Appeals.*—Before organizing as such, the members of the Board of Tax Appeals shall take the following oath be-



fore the municipal judge or some other officer authorized to administer oaths:

"I do solemnly swear (or affirm) that I will hear and determine well and truly all matters and issues between taxpayers and the city assessor submitted for my decision. So help me God. (In case of affirmation the last four words to be stricken out.)

-----  
(Signature)

*Member of the Board of Tax Appeals"*

"Subscribed and sworn to (or affirmed) before me  
this ..... day of ....., 19.....

-----  
(Signature and title of officer  
administering oath)"

SEC. 40. *Proceeding before Board of Tax Appeals and the Department Head.*—The Board of Tax Appeals shall hold such number of sessions as may be authorized by the Secretary of Finance, shall hear all appeals duly transmitted to it, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been perfected by order signed by the Board or a majority thereof, and transmit it to the city assessor who shall amend the tax list in conformity with said order. It shall also have power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessments and state the true valuation, in each case where it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the Board of Tax Appeals before any reassessment or revaluation is made. The decision of the Board of Tax Appeals shall be final unless the Department Head declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such revision when approved by the President of the Philippines shall be final.

SEC. 41. *Taxes on real estate—Extension and remission of the tax.*—A tax, the rate of which shall not exceed two *per centum* ad valorem to be determined by the Municipal Board, shall be levied annually on or before the second Monday of January on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for

any year shall be due and payable annually on the first day of June and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

Such lien shall be superior to all other liens, mortgages or incumbrances of any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the Municipal Board simultaneously with the rate per centum of *ad valorem* taxation; *Provided*, That the time limit for the first and second installments shall be set at not later than the thirty-first day of May and the thirtieth day of October of each year, respectively.

Any person, who on the last day set for the payment of the real estate tax as provided in the preceding paragraph, shall be within the premises of the City Hall willing and ready to pay the tax but is unable to effect it on account of the large number of taxpayers therein present, shall be furnished a properly prescribed card which will entitle him to pay the tax without penalty on the following day.

The words paid "under protest" shall be written upon the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation in writing of an oral protest shall be made within thirty days.

At the expiration of the time for the payment of the real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency, to the payment of a penalty at the rate of two per centum for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in this Act: *Provided*, That in no case shall the total penalty exceed twenty-four per centum of the original tax due.

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province or for other good and sufficient reason, the Municipal Board may, by resolution passed on or before the thirty-first day of December of such year, extend the time for the collection of the tax on real estate in the City of Lipa for a period not to exceed three months, or remit wholly or in part the payment of the tax or penalty for the ensuing year, but such resolution shall have to specify clearly the grounds for such extension or remission and

shall not take effect until it shall have been approved by the Department Head.

The President of the Philippines may, in his discretion, remit or reduce the real estate taxes for any year in the City of Lipa if he deems this to be in the public interest.

SEC. 42. *Seizure of personal property for delinquency in payment of the tax.*—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer, or his deputy, if he desires to compel payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall be sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and these proceedings may be carried out by the city treasurer, his deputy, or any other officer authorized to carry out legal proceedings.

SEC. 43. *Personal property exempt from seizure and sale from delinquency.*—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax.

(a) Tools and implements necessarily used by the delinquent in his trade or employment.

(b) One horse, or cow, or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in ordinary occupation.

(c) His necessary clothing and that of his family.

(d) Household furniture and utensils necessary for housekeeping, and used for that purpose by the delinquent, such as he may select, of a value not exceeding one hundred pesos.

(e) Provisions for individual or family use sufficient for four months.

(f) The professional libraries of lawyers, judges, clergymen, physicians, engineers, school-teachers, and music teachers, not exceeding five hundred pesos in value.

(g) The fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fishermen, by the lawful use of which he earns a livelihood.

(h) Any article or material which forms part of a home or of any improvement on any real estate.

SEC. 44. *The owner may redeem personal property before sale.*—The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the

amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 45. *Sale of seized personal property.*—Unless redeemed as hereinbefore provided, the property seized through proceedings under section forty-two hereof shall, after due advertisement, be exhibited for sale at public auction and so much of the same as shall satisfy the tax, penalty, and cost of seizure and sale shall be sold to the highest bidder. The purchaser at such sale shall acquire an indefeasible title to the property sold.

The advertisement shall state the time, place and cause of sale, and be posted for ten days prior to the date of the auction, at the main entrance of the City Hall and at a public and conspicuous place in the district where the property was seized.

The sale shall take place, at the discretion of the city treasurer or his deputy, either at the main entrance of the City Hall or at the district where such property was seized. If no satisfactory bid is offered in the aforementioned districts another auction shall be had, upon notice published anew.

SEC. 46. *Return of officer—Disposal of surplus.*—The officer directing the sale under the preceding section shall forthwith make return of his proceedings and note thereof shall be made by the city treasurer upon his records. Any surplus resulting from the sale, over and above the tax, penalty and cost, and any property remaining in possession of the officer shall be returned to the tax payer on account of whose delinquency the sale has been made.

SEC. 47. *Vesting title to real estate in city government.*—Upon the expiration of one year from the date on which the taxpayer became delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interests in and to the real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for hereinbelow: *Provided*, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

SEC. 48. *Redemption of real estate before seizure.*—At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of the publication of the advertisement provided for in the next succeeding section, the owner or his lawful representative, or any person having any lien, right, or any other legal

or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: *Provided*, That the person exercising the right of redemption shall not acquire a title to said property better than that of the original owner prior to the seizure.

SEC. 49. *Notice of seizure of real estate.*—Notice of seizure of the real estate shall be given by posting notices at the main entrance of the City Hall, the provincial building and all the municipal buildings in the Province of Batangas, in English, Spanish and Tagalog. A copy of said notice shall also be posted on the property subject to seizure. Such notices shall state the name of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each, and shall state that unless such taxes and penalties are paid within ninety days from the date of the publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 50. *Ejection of occupants of seized property.*—After the expiration of ninety days from the date of the publication of the notice of delinquency provided for in the next preceding section, the city treasurer, or his deputy, may issue to the Mayor or to other officers authorized by law to execute and enforce the laws a certificate describing the parcel of real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants thereof. Upon receiving such certificate, the Mayor or any other officer authorized to enforce the law, shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: *Provided, however*, That if the property so seized is or includes, a residential house the occupants thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejection, to vacate the premises.

SEC. 51. *Redemption of real property before sale.*—After the title to the property shall have become vested in the city government in the manner provided for in sections

forty-seven and forty-nine hereof, and at any time prior to the sale or contract of sale by the city treasurer to a third party, the original owner or his legal representatives or any person having any lien, right, or other legal interest or equity in said property, shall have the right to redeem the entire property in question, by paying the full amount of taxes and penalties due thereon at the time of the seizure, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to said lease: *Provided*, That the payment of the prices of sale may, at the discretion of the purchaser, be made in installments, extending over a period not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less than twenty-five *per centum* of the entire sum due, and shall in no case be less than two pesos, unless the total or the balance of the amount due on all seized property in the name of the taxpayers is less than two pesos. The purchaser may occupy the property after paying the first installment and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: *Provided, finally*, That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the approval of this Act.

SEC. 52. *Notice of sale of real estate at public auction.*—At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting a notice for three consecutive weeks at the main entrances of the City Hall and of all the municipal buildings of the province, in either English or Spanish, and in the dialect commonly used in the locality, and by publishing the same once a week during three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer

at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and the location by district and street, and the street number and district or barrio where the real estate to be sold is located.

SEC. 53. *Sale of real estate—Conditions.*—At any time during the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties to the city treasurer or his deputy; otherwise, the sale shall proceed and shall be held either at the main entrance of the City Hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The payment of the sale price may, at the opinion of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale, and each subsequent payment shall not be less than twenty-five *per centum* of the sale price, and shall in no case be less than two pesos unless the total or the total balance of the amount due be less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupants of the property, in accordance with the procedure prescribed in section fifty of this Act.

The city treasurer or his deputy shall make a report of the sale to the Municipal Board within five days after the sale and shall make the same appear on its records. The purchaser at this sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the conditions of payment, the amount paid, and the exact amount of the taxes and penalties due.

SEC. 54. *Redemption of real estate after sale.*—Within one year from and after the date of sale, the delinquent taxpayer or any other person in his behalf shall have the right to redeem the property sold by paying to the city treasurer or his deputy the amount of the taxes, penalties, cost and interests at the rate of twelve *per centum per*

annum on the purchase price, if paid in whole, or in any portion thereof as may have been paid by the purchasers and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, stating that he has thus redeemed the property, and the city treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve *per centum* per annum, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

SEC. 55. *Execution of deed of final sale.*—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have paid the total purchase price, the city treasurer, as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens or encumbrances of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representative.

SEC. 56. *Taxes and penalties which shall be paid upon redemption or repurchase.*—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of the failure to pay which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the Government.

SEC. 57. *Taxes—Legal procedure.*—(a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Chapter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failures shall have impaired the substantial rights of the taxpayer.



(c) No court shall entertain any suit assailing the validity of the tax sale of land under this Chapter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen *per centum* per annum upon that sum from the date of sale to the time of instituting the suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale, if the deed is declared invalid, and shall be returned to the depositor, should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale, or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

ARTICLE XI.—*Tax Allotments and Special Assessment for Public Improvements*

SEC. 58. *Allotment of internal revenue and other taxes.*—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred and sixty-six, and other taxes collected by the National Government and allotted to the various provinces, as well as the National aid for schools, the City of Lipa shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 59. *Power to levy special assessments for certain purposes.*—The Municipal Board may, by ordinance, provide for the levying and collection by special assessment of the lands comprised within the district or section of the city specially benefited, of a part not to exceed sixty *per centum* of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, *esteros*, canals, drains and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

In case of national public works the Municipal Board as an agency of the National Government shall, when the President of the Philippines so direct it, provide for the levying and collection by special assessment of the lands within the section or district of the city specially benefited of the cost or a part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, or

deepening, or otherwise establishing, repairing, enlarging or improving national roads and other national public works within the city, including the cost of acquiring the necessary land and improvements therein.

SEC. 60. *Property subject to special assessment.*—All lands comprised within the district or section benefited, except those owned by the Republic of the Philippines, shall be subject to the payment of the special assessment.

SEC. 61. *Basis of apportionment.*—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in the books of the city assessor. If the property has not been declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 62. *Ordinance levying special assessment.*—The ordinance providing for the levying and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment the limits whereof shall be stated by metes and bounds if practicable, and by other reasonably accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate *per centum* for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of this city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It shall be the duty of the city engineer to make the plans, specifications, and estimates of the public work contemplated to be undertaken.

SEC. 63. *Publication of proposed ordinance levying special assessment.*—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper of general circulation published in the city, and one copy of the proposed ordinance in English, one in Spanish, and one in Tagalog shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is constructed or contemplated to be constructed.

The secretary of the Municipal Board shall, on application, furnish a copy of the proposed ordinance to each landowner affected, or his agent and shall, if possible, send to

all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 64. *Protest against special assessment.*—Not later than ten days after the last publication of the ordinance and list of landowners, as provided in the preceding section, the landowners affected, if they compose a majority and represent more than one-half of the total assessed value of said lands, may file with the Municipal Board a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 65. *Hearing of protest.*—The Municipal Board shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all landowners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent argument and evidence presented by the landowners interested or their attorney shall be attached to the proper records. After the hearing, the Municipal Board shall either modify its ordinance or approve it *in toto*, and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for two consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Act shall be scribed.

SEC. 66. *When ordinance is to take effect.*—Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 67. *Appeals.*—Any time before the ordinance providing for levying and collection of special assessment becomes effective in accordance with the preceding section,

appeals from such special assessments may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the National Government, and with the Secretary of Finance in the case of public works undertaken or contemplated to be undertaken by the city. In all cases the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone representing more than one-half of the total assessed value of the lands affected. The appellant or appellants shall immediately give the Board a written notice of the appeal, and the secretary of said Board shall, within ten days after receipt of the notice of appeal, forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the Board relative to the proposed special assessment and all the documents in connection therewith.

SEC. 68. *Decision of the appeal.*—Only appeals made within the time and in the manner prescribed in this Act shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 69. *Fixing of amount of special assessment.*—As soon as the ordinance is in full force and effect, the city treasurer shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each of such landowners a written notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the amount of the unpaid annual installments which are still to be collected from each landowner affected, in all cases, he shall give notice of such rectifications to the parties interested.

SEC. 70. *Payment of special assessments.*—All sums due from any landowner or owners as the result of any action taken pursuant to this Act shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they are assessed, constitute special liens on said land, with the sole exception of the lien for the non-payment of the ordinary real property tax, if, upon recom-

putation of the amount of special assessment in accordance with the next preceding section it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the landowner shall have one year within which to pay without penalty the amount still due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 71. *Disposition of proceeds.*—The proceeds of the special assessments and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessments were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections made by him from special assessment levies for national public works purposes.

#### ARTICLE XII.—*City Budget*

SEC. 72. *Annual budget.*—At least four months before the beginning of each fiscal year, the city treasurer shall present to the Mayor a certified detailed statement by departments of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by section eighteen of this Charter, the Mayor shall formulate and submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditures for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: *Provided, however,* That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipts submitted by the city treasurer as provided above.

SEC. 73. *Supplemental budget.*—Supplemental budget formulated in the same manner may be adopted when special or unforeseen circumstances make such action necessary.

SEC. 74. *Failure to enact an appropriation ordinance.*—Whenever the Board fails to enact an appropriation ordinance for any fiscal year before the end of the previous fiscal year the several sums appropriated in the last appropriation ordinance for the objects and purposes therein specified, so far as they may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance, and shall go into effect on the first day of the new fiscal year as the appro-

priation ordinance for that year, until a new appropriation ordinance is duly enacted.

ARTICLE XIII.—*The Municipal Court*

SEC. 75. *Regular, auxiliary and acting judges of municipal courts.*—There shall be a municipal court for the City of Lipa, for which there shall be appointed a municipal judge and an auxiliary municipal judge.

The municipal judge may, upon proper application, be allowed a vacation of not more than thirty days every year with salary. The auxiliary municipal judge shall discharge the duties in case of absence, incapacity or inability of the municipal judge until he resumes his post, or until a new judge shall have been appointed. During his incumbency the auxiliary municipal judge shall enjoy the powers, emoluments and privileges of the municipal judge who shall not receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Act.

In case of absence, incapacity or inability, of both the municipal judge and the auxiliary municipal judge, the Secretary of Justice shall designate the justice of the peace of any of the adjoining municipalities to preside over the municipal court, and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office, or until another judge shall have been appointed in accordance with the provisions of this Act. The justice of the peace so designated shall receive his salary as justice of the peace plus seventy per cent of the salary of the municipal judge whose office he has temporarily assumed.

The municipal judge shall receive a salary of not exceeding three thousand six hundred pesos per annum.

SEC. 76. *Clerk and employees of the municipal court.*—There shall be a clerk of the municipal court who shall be appointed by the Mayor, upon recommendation of the municipal judge, in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand two hundred pesos per annum. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or

collected in accordance with the judgment. He shall have the power to administer oath.

The clerk of the municipal court shall at the same time be sheriff to the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs. The Municipal Board may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

SEC. 77. *Jurisdiction of municipal court.*—The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law. It shall have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and *estafa* where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary investigation for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 78. *Incidental powers of municipal court.*—The municipal court shall have power to administer oaths and to give certificates thereof; to issue summons, writs, warrants, executions and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by law; and to require of any person arrested a bond for good behavior or to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties to be approved by said court.

SEC. 79. *Procedure in municipal courts in prosecutions for violations of law and ordinances.*—In a prosecution for the violation of any ordinance, the first process shall be a summon; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinances of the city in such case made and provided. All proceedings

and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleadings, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court and its officers in all cases in so far as the same may be applicable."

SEC. 80. *Costs, fees, fines, and forfeitures in municipal court.*—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. "All costs, fees, fines, and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The municipal judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer, and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for.

SEC. 81. *No person sentenced by municipal court to be confined without commitment.*—No person shall be confined in the prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk, shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

SEC. 82. *Procedure on appeal from municipal court to Court of First Instance.*—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock postmeridian of the day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and process in the case. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial *de novo* upon its merits as though the same had never been tried. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the



judge of the municipal court or of the judge of the Court of First Instance, upon sufficient bail, in accordance with the procedure in force, to await the judgment of the appellate court.

Appeals in civil cases shall be governed by the ordinary procedure established by law.

ARTICLE XIV.—*Bureaus Performing Municipal Duties*

SEC. 83. *The General Auditing Office.*—The Auditor General or his delegate shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting.

SEC. 84. *The Division of Purchase and Supply.*—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate, for the use of the city and its departments and offices. But contracts for completed work of any kind for the use of the city, or any of its departments or offices, involving both labor and materials, where the materials are furnished by the contractor, shall not be deemed to be within the purview of this section.

SEC. 85. *The Bureau of Education.*—The Director of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines and the division superintendent of schools for the Province of Batangas shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to the schools of their divisions.

A city school board of six members, two of whom shall be women and who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in the municipalities.

The Municipal Board shall have the same powers in respect to the establishment of schools as are conferred by law on municipal councils.

SEC. 86. *Reports to the Mayor concerning schools—Construction and custody of school buildings.*—The division superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of the City of Lipa to the Mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, and all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city. The city school board shall make a similar annual report to the Mayor.

SEC. 87. *The City Health Officer—His salary, powers, and duties.*—There shall be in the City of Lipa a city health

officer. He shall have a salary of not exceeding three thousand pesos per annum. The City Health Officer shall have the following general powers and duties:

(a) He shall have general supervision over the health and sanitary conditions of the city.

(b) He shall execute and enforce all laws, ordinances and regulations relating to the public health.

(c) He shall recommend to the Municipal Board the passage of such ordinance as he may deem necessary for the preservation of the public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary police by the chief of police and such sanitary inspectors as may be authorized by law.

(f) He shall keep a civil register for the city and record therein all births, marriages, and deaths with their respective dates.

(g) He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health shall direct.

#### ARTICLE XV.—*Transitory Provisions*

SEC. 88. *Change of government.*—The city government provided for in this charter shall be organized immediately after the appointment and qualification of the City Mayor and a majority of the members of the Municipal Board. Pending the next general elections for provincial and municipal officials, the offices of the elective members of the Municipal Board shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines.

SEC. 89. *Election of provincial governor and members of the provincial board of the Province of Batangas.*—The qualified voters of the City of Lipa shall be qualified and be entitled to vote in the election of the provincial governor and the members of the provincial board of the Province of Batangas.

SEC. 90. *Representative District.*—Until otherwise provided by law, the City of Lipa shall continue as part of the Third Representative District of the Province of Batangas.

#### ARTICLE XVI.—*Effectivity of the Act*

SEC. 91. *Effectivity.*—This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 985

## [REPUBLIC ACT No. 163]

AN ACT TO AMEND SECTIONS SEVEN, TEN, ELEVEN, THIRTEEN, TWENTY-ONE, TWENTY-TWO, TWENTY-FOUR, TWENTY-FIVE, TWENTY-NINE, SEVENTY-FIVE, EIGHTY-THREE, AND EIGHTY-SEVEN OF COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND TWENTY, ENTITLED "AN ACT CREATING THE CITY OF SAN PABLO."

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The second paragraph of section seven of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"He shall receive a salary of not exceeding six thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a not commutable allowance of not exceeding two thousand pesos per annum."

SEC. 2. The first paragraph of section ten of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding two thousand four hundred pesos per annum."

SEC. 3. The third paragraph of section eleven of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"The Members of the Municipal Board, who are not officers or employees of the Government receiving a fixed compensation or salary from public funds, shall receive twenty-five pesos for each day of attendance at the session of the Board."

SEC. 4. The first paragraph of section thirteen of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 13. *Appointment, salary and duties of secretary of Board.*—The Board shall have a secretary who shall be appointed by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance approved by the Secretary of the Interior, at not exceeding two thousand four hundred pesos per annum. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner."

SEC. 5. The first paragraph of section twenty-one of Com-

monwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 21. *The city treasurer—His powers, duties and compensation.*—There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of not exceeding four thousand eight hundred pesos per annum. He shall have the following general powers and duties:"

SEC. 6. The first paragraph of section twenty-two of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 22. *The city engineer—His powers, duties and compensation.*—There shall be a city engineer, who shall be in charge of the Department of Engineering and Public Works. He shall receive a salary of not exceeding four thousand two hundred pesos per annum. He shall have the following powers and duties:"

SEC. 7. The first paragraph of section twenty-four of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 24. *The city attorney—His powers and duties.*—The city attorney shall be the chief legal adviser of the city. He shall receive a salary of not exceeding four thousand two hundred pesos per annum. He shall have the following powers and duties:"

SEC. 8. The first paragraph of section twenty-five of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 25. *The chief of police—His powers, duties and compensation.*—There shall be a chief of police who shall have charge of the police department. He shall receive a salary of not exceeding three thousand six hundred pesos per annum. He shall have the following general powers and duties:"

SEC. 9. Section twenty-nine of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 29. *The City Assessor—His powers and duties.*—The city assessor shall have charge of the department of assessment. He shall receive a salary of not exceeding three thousand six hundred pesos per annum. He and his authorized deputies are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment and collection of taxes. He shall appraise and value all the real estates not expressly exempt. He shall make the list of

the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value thereof. In making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cash value. He may, if necessary, examine the records of the office of the Register of Deeds in the Province of Laguna showing the ownership of real estate in the city."

SEC. 10. The fourth paragraph of section seventy-five of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"The municipal judge shall receive a salary of not exceeding four thousand eight hundred pesos per annum."

SEC. 11. Section eighty-three of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 83. *The General Auditing Office.*—The Auditor General shall appoint an auditor for the city who shall rank as chief of a city department and shall receive a salary of not exceeding four thousand two hundred pesos per annum, payable from the funds of the city. The City Auditor shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting."

SEC. 12. The first paragraph of section eighty-seven of Commonwealth Act Numbered Five hundred and twenty is amended to read as follows:

"SEC. 87. *The city health officer—His salary, powers, and duties.*—There shall be in the City of San Pablo a city health officer. He shall have a salary of not exceeding four thousand two hundred pesos per annum. The city health officer shall have the following general powers and duties:"

SEC. 13. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 998

[REPUBLIC ACT NO. 164]

AN ACT TO AMEND CERTAIN SECTIONS OF THE  
ADMINISTRATIVE CODE RELATIVE TO OF-  
FICES OF REGISTER OF DEEDS.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Sections one hundred ninety-two, one hundred ninety-two (b), and two hundred one of the Administrative Code, as amended, are hereby further amended to read as follows:

"SEC. 192. *Office of register of deeds.*—There shall be one register of deeds for each city and one for each province, except in the Mountain Province, where there shall be two: one for the Subprovince of Benguet, and another for the rest of the province: *Provided, however,* That the register of deeds of the City of Baguio shall be ex-officio register of deeds for the Subprovince of Benguet, and that the register of deeds of a province whose capital is a chartered city shall likewise be ex-officio register of deeds for said city.

"SEC. 192(b). *Salaries of registers of deeds.*—The salary of the register of deeds of the City of Manila shall be five thousand four hundred pesos per annum; that of the registers of deeds of the Provinces of Cebu, Iloilo, Negros Occidental, Nueva Ecija, Pangasinan, and Rizal, three thousand six hundred pesos per annum; that of the registers of deeds of the Provinces of Bulacan, Laguna, Pampanga, Quezon, and Tarlac, three thousand pesos per annum; that of the registers of deeds of the Provinces of Albay, Bataan, Batangas, Camarines Sur, Capiz, Cavite, Cotabato, Davao, Ilocos Norte, Ilocos Sur, Isabela, La Union, Leyte, Negros Oriental, Nueva Vizcaya, and Zamboanga, the City of Baguio, and Quezon City, twenty-four hundred pesos per annum; that of the registers of deeds of other cities and provinces, eighteen hundred pesos per annum.

"From time to time but not oftener than once every five years after the approval of this Act, the rates of salary of the registers of deeds, except in the City of Manila, shall be revised and fixed in accordance with the following schedule: (a) four thousand pesos per annum for the registers of deeds whose yearly average collections during the last three years immediately preceding the year of the revision have been fifty thousand pesos or more; (b) three thousand six hundred pesos per annum

for those whose yearly average collections during the same period have been thirty thousand pesos or more but less than fifty thousand pesos; (c) three thousand pesos per annum for those whose yearly average collections during the same period have been fifteen thousand pesos or more but less than thirty thousand pesos; (d) twenty-four hundred pesos per annum for those whose yearly average collections during the same period have been five thousand pesos or more but less than fifteen thousand pesos; (e) eighteen hundred pesos per annum for those whose yearly average collections during the same period have been less than five thousand pesos; *Provided, however*, That the salary of the register of deeds of the City of Baguio shall be fixed on the basis of the consolidated yearly average collections of the registries of the City of Baguio and the Subprovince of Benguet, and that the salary of the register of deeds of a province who is ex-officio register of deeds of the city which is the capital of said province, shall likewise be fixed on the basis of the consolidated yearly average collections of the registries of said province and city.

"SEC. 201. *Discharge of duties of register of deeds in case of vacancy, etc.*—Until a regular register of deeds shall have been appointed for a city or province, or in case of vacancy in the office, or upon the occasion of the absence, illness, or inability of the register of deeds to discharge his duties, said duties shall be performed by the following officials, without additional compensation in the order in which they are mentioned below, unless the Secretary of Justice designate another official to act temporarily in the place:

"(a) For the city or province where there has been appointed a deputy register of deeds, by the said deputy register of deeds.

"(b) For the City of Baguio, by the city attorney, assistant city attorney, city treasurer or assistant city treasurer of Baguio.

"(c) For cities which are not capitals of province, by the city attorney, assistant city attorney, city treasurer or assistant city treasurer.

"(d) For provinces in general, by the provincial fiscal, assistant provincial fiscal, provincial treasurer, or assistant provincial treasurer."

SEC. 2. This Act shall take effect on July first, nineteen hundred and forty-seven.

Approved, June 20, 1947.

H. No. 1156

[REPUBLIC ACT No. 165]

AN ACT CREATING A PATENT OFFICE, PRESCRIBING ITS POWERS AND DUTIES, REGULATING THE ISSUANCE OF PATENTS, AND APPROPRIATING FUNDS THEREFOR.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

CHAPTER I.—*Organization and Operation*

SECTION 1. *Patent Office*.—There is hereby created a “Patent Office” under the executive supervision of the Department of Justice, where all records, books, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

SEC. 2. *Officers and employees of the Patent Office*.—The Patent Office shall be under the direction of a Director who shall have an assistant to be known as Assistant Director. The Director and Assistant Director shall be appointed by the President with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office during good behavior. The Director shall receive a salary of seven thousand two hundred pesos a year, and the Assistant Director a salary of six thousand pesos a year.

To carry into effect the provisions of this Act, there shall also be in said office such other officers and employees as may be appointed by the Secretary of Justice upon recommendation of the Director.

The term “Office” used in this Act means the Patent Office.

The term “Director” used in this Act refers to the Director of Patents or the Assistant Director of Patents when acting as or performing the duties of the Director.

SEC. 3. *Special technical and scientific assistance*.—The Director is empowered to obtain the assistance of technical, scientific or other qualified officers or employees of other departments, bureaus, offices, agencies and instrumentalities of the Government, including corporations owned, controlled or operated by the Government, when deemed necessary in the consideration of any matter submitted to the Office relative to the enforcement of the provisions of this Act.

SEC. 4. *Seal of Office*.—The Office shall have a seal with which patents and other papers issued by it shall be authenticated. The form and design of the seal shall be approved by the President of the Philippines.



SEC. 5. *Publication of laws and rules.*—The Director shall print, or cause to be printed, and make available for distribution, pamphlet copies of the laws and of the rules and regulations of the Office, and may print circulars of information relating to matters within the jurisdiction of the Office.

SEC. 6. *Publication of certain matters in the Official Gazette.*—There shall be published in the *Official Gazette* a suitable view of the drawing, if there be a drawing, and the claims of each patent issued; the rules and regulations duly promulgated and the amendments thereto; an annual index of the names of inventors and patentees and the title of the inventions covered by the patents issued during each fiscal year; all notices and decisions required under this Act to be published; and such other information relating to patents and other matters within the jurisdiction of the Office, as may, in the discretion of the Director, be useful to the public.

#### CHAPTER II.—*Inventions Patentable*

SEC. 7. *Inventions patentable.*—Any invention of a new and useful machine, manufactured product or substance, process, or an improvement of any of the foregoing, shall be patentable.

SEC. 8. *Inventions not patentable.*—An invention shall not be patentable if it is contrary to public order or morals, or to public health or welfare, or if it constitutes a mere idea, scientific principle or abstract theorem not embodied in an invention as specified in section seven hereof, or any process not directed to the making or improving of a commercial product.

SEC. 9. *Invention not considered new or patentable.*—An invention shall not be considered new or capable of being patented if it was known or used by others in the Philippines before the invention thereof by the inventor named in an application for patent for the invention; or if it was patented or described in any printed publication in the Philippines or any foreign country more than one year before the application for a patent therefor; or if it had been in public use or on sale in the Philippines for more than one year before the application for a patent therefor; or if it is the subject matter of a validly issued patent in the Philippines granted on an application filed before the filing of the application for patent therefor.

#### CHAPTER III.—*Application for Patent*

SEC. 10. *Right to patent.*—The right to the patent belongs to the true and actual inventor, his heirs, legal representatives or assigns. If two or more persons have an

invention jointly, the right to the patent belongs to them jointly. If two or more persons have made the invention separately and independently of each other, the right to the patent shall belong to the person who is the first to file an application for such invention, unless the contrary is shown.

SEC. 11. *Applications by non-residents.*—Any person filing an application for patent who is not a resident of the Philippines must appoint an agent or representative in the Philippines upon whom notice or process relating to the application for patent may be served. In the event of death, absence or inability of the agent or representative, a new agent or representative must be appointed and notice thereof must be filed in the Office. Upon failure to maintain an agent or representative of record in this Office, service on the Director shall be deemed sufficient.

SEC. 12. *Who may apply for patent.*—An application for patent may be filed only by the inventor, his heirs, legal representatives or assigns.

SEC. 13. *The application.*—The application for patent shall be in English or Spanish, or in the national language with its corresponding English translation, and signed by the applicant, and shall include a statement giving the name, address, and citizenship or nationality of the applicant and of the inventor, if the applicant is not the inventor, and:

- (a) A specification;
- (b) Drawings, where the invention can be shown by drawings;
- (c) Power of attorney if the filing is through an attorney;
- (d) The assignment or a certified copy of the assignment of the invention for recording, where the application is filed by one who derives his title from the inventor, or proof of title if the derivation is not by assignment;
- (e) A sworn statement by the inventor of his inventorship; or such sworn statement may be made by his heirs or legal representatives in case of death or incapacity of the inventor; however, such sworn statement will not be required if a certified copy of a previously filed foreign application containing the same is filed;
- (f) The appointment of a resident agent or representative in cases coming under section eleven hereof; and
- (g) The required fee.

SEC. 14. *The specification.*—The specification shall include:

- (a) The title of the invention;
- (b) A brief statement of its nature and purpose;
- (c) A brief explanation of the drawings, where there are drawings;

(d) A complete and detailed description of the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention relates to make and practice the invention; and

(e) A distinct and explicit claim or claims of the subject matter which the applicant claims as new and seeks to have patented.

SEC. 15. *Applications previously filed abroad.*—An application for patent for an invention filed in this country by any person who has previously regularly filed an application for a patent for the same invention in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the Philippines shall have the same force and effect as the same applicant would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country: *Provided*, That the application in this country is filed within twelve months from the earliest date on which any such foreign application was filed, and a certified copy of the foreign application together with a translation thereof into English, if not in the English language, is filed within six months from the date of filing in the Philippines, unless the Director for good cause shown shall extend the time for filing such certified copy.

#### CHAPTER IV.—*Issuance of Patent*

SEC. 16. *Formal examination of the application.*—When an application for patent has been filed the Director shall determine whether it complies with the formal requirements. If the application is defective in this respect the applicant shall be notified of the specific defects and a time fixed, not less than four months, within which such defects may be remedied.

If the applicant fails to request reconsideration or to remedy the defects within the time fixed by the Director, or within such additional time, not exceeding four months, as may be granted, the application shall be denied.

SEC. 17. *Multiple inventions in one application.*—If several independent inventions which are not so closely related as to be proper in one application are claimed, the Director may require the application to be restricted to a single invention in the same manner as notifications of defects in the application. A later application filed for an invention divided out shall be considered as having been filed on the same day as the first application provided the later application is filed within four months after the requirement to divide becomes final, or within such additional time, not exceeding four months, as may be granted.

SEC. 18. *Issuance of patent.*—If the original or corrected application is in order, the Director shall issue the patent and shall, as soon as practicable, make the publication required by section six, Chapter I hereof.

SEC. 19. *How issued.*—The patent shall be issued in the name of the Republic of the Philippines under the seal of the Office and shall be signed by the Director, and registered together with the specification and drawings, if any, in books and records of the Office to be kept for the purpose.

SEC. 20. *Content of patent.*—The patent shall contain the patent number, the title of the invention, the name and residence of the inventor and of the patentee if the patentee be other than the inventor, the date on which the application was filed, the date on which it is issued, and a grant to the patentee, his heirs or assigns, of the exclusive right to the invention throughout the Republic of the Philippines for the term thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

#### CHAPTER V.—*Term of Patent*

SEC. 21. *Term of patent.*—The term of a patent shall begin on the date when the patent is issued as shown on the face thereof and shall expire seventeen years thereafter. However, a patent shall cease to be in force and effect if the patentee fails to pay the prescribed annual fees within the prescribed times hereinafter provided or if the patent is cancelled in accordance with the provisions of this Act.

SEC. 22. *Annual fees.*—The first annual fee on a patent shall be due and payable on the expiration of four years from the date of issue. In a similar manner, annual fees on subsisting patents shall be due and payable on the fifth and each subsequent anniversary of the date of issue. If any annual fee is not paid within the prescribed time, a notice of the nonpayment shall be published in the *Official Gazette* and the patentee shall have six months from the date of the publication to pay the fee together with the surcharge required for the delayed payment. A notice of the lapsing of a patent for nonpayment of any annual fee shall be published in the *Official Gazette*.

SEC. 23. *Reinstatement of a lapsed patent.*—Within two years from the date on which the first unpaid annual fee was due, a patent which has lapsed for nonpayment of any annual fee may be reinstated upon payment of all annual fees then due and the surcharge for reinstatement, and upon proof satisfactory to the Director that such nonpayment was due to fraud, accident, mistake or excusable negligence: *Provided, however,* that such reinstatement shall not prejudice the rights acquired by a third person while the patent was not in force.

CHAPTER VI.—*Surrender, Correction and Amendments of Patent*

SEC. 24. *Surrender of patent.*—Any patentee, with the consent of all persons having grants or licenses or other right, title or interest in and to the patent and the invention covered thereby, which have been recorded in the Office, may surrender his patent or any claim or claims forming part thereof to the Director for cancellation.

SEC. 25. *Correction of mistakes of Office.*—The Director shall have the power to correct without fee any mistake in a patent incurred through the fault of the Office when clearly disclosed by the records thereof, to make the patent conform to the records.

SEC. 26. *Correction of mistake of application.*—On payment of the prescribed fee the Director is authorized to correct any mistake in a patent of a formal or clerical nature, not incurred through the fault of the Office.

SEC. 27. *Form and publication of amendment.*—Amendment or correction of a patent as provided in sections twenty-five and twenty-six hereof, shall be accomplished by a certificate of such amendment or correction authenticated by the seal of the Office and signed by the Director, which certificate shall be attached to the patent if the patent has been returned to the Director. Notice of such amendment or correction shall be published in the *Official Gazette*, and copies of the patent furnished by the Office shall include a copy of the certificate of the amendment or correction.

CHAPTER VII.—*Cancellation of Patents*

SEC. 28. *General grounds for cancellation.*—Any person may on payment of the required fee petition the Director within three years from the date of publication of the issue of the patent in the *Official Gazette*, to cancel the patent or any claim thereof, on any of the following grounds:

(a) That the invention is not new or patentable in accordance with sections seven, eight and nine, Chapter II hereof;

(b) That the specification does not comply with the requirement of section fourteen, Chapter III hereof; or

(c) That the person to whom the patent was issued was not the true and actual inventor or did not derive his rights from the true and actual inventor.

SEC. 29. *When patent may be cancelled at any time.*—A petition to cancel a patent on any of the grounds specified in the next preceding section may be filed at any time by the Solicitor General.

SEC. 30. *Requirements of the petition.*—The petition for cancellation must be in writing and verified by the petitioner or by any person on his behalf who knows the facts,

and shall specify the grounds upon which it is based, and include a statement of the facts to be relied upon. Copies of printed publications or of patents of other countries, or other supporting documents mentioned in the petition shall be filed therewith, together with the transaction thereof into English, if not in the English language.

SEC. 31. *Notice and hearing.*—Upon the filing of a petition for cancellation, the Director shall forthwith serve notice of the filing thereof upon the patentee and all persons having grants or licenses, or any other right, title or interest in and to the patent and the invention covered thereby, as appears of record in the Office, and of notice of the date of hearing thereon on such persons and the petitioner. Notice of the filing of the petition shall be published in the *Official Gazette*.

SEC. 32. *Cancellation of the patent.*—If the Director finds that a case for cancellation has been made out he shall order the patent or any specified claim or claims thereof cancelled. The order shall not become effective until the time for appeal has elapsed or, if appeal is taken, until the judgment on appeal becomes final. When the order or judgment becomes final, any rights conferred upon the patentee by the patent or any specified claim or claims cancelled thereby shall terminate. Notice of cancellation shall be published in the *Official Gazette*.

SEC. 33. *Cancellation for fraud on the inventor.*—In the case of the ground specified in paragraph (c), section twenty-eight hereof, if the petition for cancellation is made by or on behalf of the true and actual inventor from whom the patentee fraudulently derived the invention and is successful on this ground, a patent may be obtained by such inventor, if he does not have a patent, notwithstanding any knowledge or use or publication of the patent cancelled: *Provided*, That the true and actual inventor shall file an application for patent for such invention within six months after the order of cancellation has become final. The term of such patent, however, shall expire seventeen years from the date of issue of the patent cancelled.

#### CHAPTER VIII.—*Compulsory Licensing*

SEC. 34. *Grounds for compulsory license.*—Any person may apply to the Director for the grant of a license under a particular patent at any time after the expiration of three years from the date of the grant of the patent, under any of the following circumstances:

(a) If the patented invention is not being worked within the Philippines on a commercial scale, although capable of being so worked, without satisfactory reason;

(b) If the demand for the patented article in the Philippines is not being met to an adequate extent and on reasonable terms, without satisfactory reason;

(c) If by reason of the refusal of the patentee to grant a license or licenses on reasonable terms, or by reason of the conditions attached by the patentee to licenses or to the purchase, lease or use of the patented article or working of the patented process or machine of production the establishment of any new trade or industry in the Philippines is prevented, or the trade or industry therein is unduly restrained; or

(d) If the patented invention relates to food or medicine or is necessary for public health or public safety.

The term "worked" or "working" as used in this section means the manufacture and sale of a patented article, or the carrying on of a patented process or the use of a patented machine for production, in or by means of a definite and substantial establishment or organization in the Philippines and on a scale which is adequate and reasonable under the circumstances.

SEC. 35. *Notice and hearing.*—Upon the filing of a petition under section thirty-four hereof, notice shall be given in the same manner and form as that provided in section thirty-one, Chapter VII hereof.

SEC. 36. *Grant of license.*—If the Director finds that a case for the grant of a license under section thirty-four hereof has been made out, he may order the grant of an appropriate license and in default of agreement among the parties as to the terms and conditions of the license he shall fix the terms and conditions of the license in the order.

The order of the Director granting a license under this Chapter, when final, shall operate as a deed granting a license executed by the patentee and the other parties in interest.

#### CHAPTER IX.—*Rights of Patentees and Infringement of Patents*

SEC. 37. *Rights of patentees.*—A patentee shall have the exclusive right to make, use and sell the patented machine, article or product, and to use the patented process for the purpose of industry or commerce, throughout the territory of the Philippines for the term of the patent; and such making, using, or selling by any person without the authorization of the patentee constitutes infringement of the patent.

SEC. 38. *Experimental use of invention.*—The making or using of a patented invention when not conducted for profit and solely for the purpose of research or experi-

ment, or for instruction, shall not constitute infringement.

SEC. 39. *Temporary presence in the country.*—No patent shall prevent the use of any invention in any ship, vessel, aircraft, or land vehicle of any other country entering the territory of the Philippines temporarily or accidentally, and such use shall not constitute infringement of the patent, provided such invention is used exclusively for the needs of the ship, vessel, aircraft, or land vehicle and not used for the manufacture of anything to be sold within or exported from the Philippines.

SEC. 40. *Rights of third parties prior to application.*—Any person who has purchased or acquired of the inventor, his legal representatives, or assigns, or who, with their knowledge and consent, constructs any newly invented device or other patentable article, prior to the filing of the application therefor, shall have the right to use and sell the specific thing purchased, acquired or made, without liability therefor.

SEC. 41. *Use of invention by the Government.*—The Government of the Philippines may use any patented invention at any time for governmental purposes, and the manufacture or use of the invention by or for the Government for such purposes shall not constitute infringement of the patent, but the patentee shall be entitled to receive a reasonable compensation for the use of the invention.

#### CHAPTER X.—*Actions and Remedies for Infringement*

SEC. 42. *Civil action for infringement.*—Any patentee, or anyone possessing any right, title or interest in and to the patented invention, whose rights have been infringed, may bring a civil action before the proper Court of First Instance, to recover from the infringer damages sustained by reason of the infringement and to secure an injunction for the protection of his rights.

If the damages are inadequate or cannot be readily ascertained with reasonable certainty, the court may award as damages a sum amounting to a reasonable royalty.

The court may, according to the circumstances of the case, award damages in a sum above the amount found as actual damages sustained provided the award does not exceed three times the amount of such actual damages.

SEC. 43. *Limitation of action for damages.*—No damages can be recovered for acts of infringement committed more than four years before the institution of the action for infringement.

SEC. 44. *Damages not recoverable for want of notice or marking.*—Damages cannot be recovered for acts of infringement committed before the infringer had actual notice of the patent, unless the patentee or those exploiting



the invention on his behalf or under his authorization have given notice to the public that the machine, device, articles or process is patented either by placing thereon the words "Philippines Patent" with the number of the patent, or when from the nature of the article this cannot reasonably be done, by placing such notice on the package or container in which the device or article is supplied to the public, or in descriptive or advertising matter used in connection with the patented machine, device, article or process.

SEC. 45. *Defenses in action for infringement.*—In an action for infringement the defendant, in addition to other defenses available to him, may show the invalidity of the patent or any claim thereof on any of the grounds on which a petition of cancellation can be brought under section twenty-eight, Chapter VII hereof.

SEC. 46. *Patent found invalid to be cancelled.*—If the court shall find the patent or any claim thereof invalid, the Director shall, on certification of the final judgment to the Office, issue an order cancelling the patent or the claims found invalid, and shall publish a notice thereof in the *Official Gazette*.

SEC. 47. *Assessors in infringement action.*—Two or more assessors may be appointed by the court. The assessors shall be so qualified by the necessary scientific and technical knowledge required by the subject matter in suit. Either party may, as a preliminary question, challenge the fitness of any assessor to sit in an action.

Each assessor shall receive a compensation in an amount to be fixed by the court and advanced by the complaining party, and thereafter to be taxed as costs in favor of the prevailing party.

SEC. 48. *Criminal action for repetition of infringement.*—If infringement is repeated by the infringer or by anyone in connivance with him after final judgment of the court against the infringer, the parties liable shall, without prejudice to further civil action, be punished by a fine not exceeding ten thousand pesos and imprisonment not exceeding five years, or both such fine and imprisonment in the discretion of the court, in a criminal action instituted for the purpose. The criminal action herein provided shall prescribe in two years.

SEC. 49. *Appeal.*—Appeal may be taken from the judgment of the court in the civil and criminal actions herein provided in the same manner as in other actions.

#### CHAPTER XI.—*Assignment and Transmission of Rights*

SEC. 50. *Transmission of rights.*—Patents and the inventions covered thereby shall be protected as and have the applicable rights of other property. Inventions and any right, title or interest in and to patents and inventions

covered thereby may be assigned, or transmitted by inheritance or bequest.

SEC. 51. *Assignment of inventions.*—An assignment may be of the entire right, title or interest in and to the patent and the invention covered thereby, or of an undivided share of the entire patent and invention in which event the parties become joint owners thereof. An assignment may be limited to a specified territory.

SEC. 52. *Form of assignment.*—The assignment must be in writing, acknowledged before a notary public or other officer authorized to administer oaths or perform notarial acts and certified under the hand and official seal of the notary or other officer.

SEC. 53. *Recording.*—The Director shall record assignments, licenses and other instruments relating to any right, title or interest in and to inventions, and patents or inventions covered thereby, which are presented in due form to the Office for registration, in books and records kept for the purpose. The original document together with a signed duplicate thereof shall be filed, but if the original is not available, an authenticated copy thereof in duplicate may be filed. Upon recording, the Director shall retain the duplicate, and return the original or the authenticated copy to the party filing with a notation of the fact of record. Notice of the recording shall be published in the *Official Gazette*.

Such instruments shall be void as against any subsequent purchaser or mortgagee for a valuable consideration and without notice unless it is recorded in the Office within three months from the date thereof, or prior to the subsequent purchase or mortgage.

SEC. 54. *Rights of joint owners.*—If two or more persons jointly own a patent and the invention covered thereby either by the issuing of the patent to them jointly or by reason of the assignment of an undivided share in the patent and invention or by reason of the succession in title to such share, each of the joint owners, shall be entitled to personally make, use, or sell the invention for his own profit, subject to any contract or agreement, but neither of the owners shall be entitled to grant licenses or to assign his right, title or interest or part thereof without the consent of the other owner or owners, or without proportionately dividing the proceeds with the other owner or owners.

#### CHAPTER XII.—*Designs*

SEC. 55. *Industrial designs.*—Any new and original creation relating to the features of shape, pattern, configuration, ornamental, or artistic appearance of an article or industrial product may be protected as an industrial design

by the author in the same manner and subject to the same provisions and requirements as relate to patents for inventions insofar as they are applicable, except as otherwise hereinafter provided.

SEC. 56. *Six months publication.*—The period of one year specified in section nine, Chapter II, and section fifteen, Chapter III, hereof, for inventions shall be six months in the case of designs.

SEC. 57. *Notice of registration shall be published.*—Notice of the registration of the design shall be published in the *Official Gazette*.

SEC. 58. *Term and extension thereof.*—The term of the design registration shall be five years from the date of registration.

Before the expiration of the five-year term upon payment of the required fee, or within a further time thereafter not to exceed six months upon payment of the surcharge, the owner of the registration may apply for an extension for an additional five years. The application for extension must be accompanied by an affidavit showing that the design is in commercial or industrial use in the Philippines or satisfactorily explaining non-use. In a similar manner an extension for a third five-year period may be obtained.

SEC. 59. *Marking.*—The marking required by section forty-four, Chapter X, hereof, shall be "Philippines Design Registration," or appropriate abbreviation, and the number of the registration.

SEC. 60. *Infringement.*—Infringement of a design registration shall consist in unauthorized copying of the registered design for the purpose of trade or industry in the article or product and in the making, using, or selling of the article or product copying the registered design. Identity or substantial identity with the registered design shall constitute evidence of copying.

#### CHAPTER XIII.—*Review of Orders or Decisions of Director*

SEC. 61. *Appeal from action of Director.*—The applicant for a patent or for the registration of a design, any party to a proceeding to cancel a patent or to obtain a compulsory license, and any party to any other proceeding in the Office may appeal to the Supreme Court from any final order or decision of the Director.

SEC. 62. *Stay.*—A petition for review of any order or decision of the Director rejecting in whole or in part an application for a patent or registration of a design, shall not stay any order or decision of the Director in respect of any other applications then pending for a patent or design registration; but the Director shall proceed to act

on such other applications without regard to such petition unless the Supreme Court shall otherwise direct.

SEC. 63. *How appeal is perfected.*—An appeal from an order or decision of the Director shall be perfected by filing with the Director a notice of appeal and the payment of the required appeal fee and filing with the Supreme Court a petition for review, within thirty days from notice of the order or decision appealed from.

SEC. 64. *Contents and notice of petition.*—The petition shall contain a summary statement of the issues involved and the reasons relied upon for allowance of a review. Copies of the petition shall be served upon the Director and all other parties in interest.

SEC. 65. *Docketing fee and deposit for costs.*—Upon filing the petition for review, the petitioner shall pay to the clerk of the Supreme Court the docketing fee and shall deposit the sum of one hundred pesos for costs.

SEC. 66. *Elevation of copy of record.*—Upon the filing of the petition, notice thereof shall be served by the clerk of the Supreme Court upon the Director, who, within thirty days thereafter, shall certify and forward to the Supreme Court a copy of the record as the same appears in his Office.

SEC. 67. *Answer of respondent.*—Upon receipt of the record, the clerk of the Supreme Court shall serve notice upon the Director and all other parties in interest, requiring them to answer within ten days from service. Copies of such answer shall be served upon the petitioner.

SEC. 68. *Power of court.*—The Supreme Court may, on petition filed within five days after the filing of the answer, allow the parties to adduce additional evidence material to the matter at issue, which shall constitute a supplementary record to be considered in connection with the record on appeal.

SEC. 69. *Representation by Solicitor General.*—In all appeals from an order or decision of the Director the Solicitor General shall appear on behalf of the Director.

SEC. 70. *Briefs on appeal.*—Upon receipt of the answer to the petition or upon conclusion of the presentation of additional evidence, the clerk of the Supreme Court shall notify the parties, and the petitioner, within thirty days from such notice, shall file twenty copies of his brief upon the adverse parties and, within thirty days from such service, the adverse parties shall file twenty copies of their brief together with proof of service of five copies thereof upon the petitioner.

SEC. 71. *Inclusion in calendar.*—Upon the filing of the respondent's brief, or after the expiration of the time for its filing, the case shall be included in the regular calendar,

unless the court advances the hearing for special cause shown.

SEC. 72. *Oral argument, its duration.*—Each party is entitled to one hour for oral argument, extendible in the discretion of the court.

SEC. 73. *Rules of Court applicable.*—In all other matters not herein provided, the applicable provisions of the Rules of Court shall govern.

#### CHAPTER XIV.—*Penalty for False Marking*

SEC. 74. *Penalty for false marking.*—Any person who falsely represents or indicates that any device, article or product made or sold by him is patented, or is the subject of a registered design, by making or having on the device, article or product, or on their containers or packages, or using in advertising or displays used in connection with them, or with any process, words expressing or implying that the device, article, product or process is patented or registered, shall be subject to a fine of not less than one hundred pesos nor more than one thousand pesos, or imprisonment for not less than one month nor more than one year, or both, in the discretion of the court. Actions hereunder shall prescribe in two years.

SEC. 75. *Fees.*—The following fees shall be paid:

For filing an application for patent, which shall include the cost of publication in the *Official Gazette*, two hundred pesos;

For annual fees due at the beginning of the fifth and each succeeding year, one hundred pesos each year;

For surcharge for delayed payment of an annual fee, twenty-five pesos;

For reinstating lapsed patent, one hundred pesos;

For filing a petition for cancellation, except when filed by the Solicitor General, fifty pesos;

For filing a petition for a compulsory license, one hundred pesos;

For copies of records of the Office, two pesos per photostat sheet, one peso per hundred words of typewritten copy;

For each certification of copy of any records, ten pesos;

For recording assignments, and other documents relating to title, and license, ten pesos;

For notice of appeal from the order or decision of the Director, twenty-five pesos;

For filing application for registration of a design, fifty pesos;

For renewing design registration, fifty pesos;

For surcharge for delayed renewal of design registration, twenty pesos; and

For services not otherwise specified, the Director shall provide, by regulation, the fees therefor.

CHAPTER XVI.—*Miscellaneous*

SEC. 76. *Certain priority rights for filing application extended.*—The rights of priority provided by section nine, Chapter II; section fifteen, Chapter III; and section fifty-six, Chapter XII hereof for the filing of applications for patent for inventions and designs, which rights had not expired on the eighth day of December, nineteen hundred and forty-one, or which rights have arisen since the eighth day of December, nineteen hundred and forty-one, are extended until the first day of July, nineteen hundred and forty-eight, in favor of the citizens of the Philippines or citizens or subjects of countries which have extended, or which now extend, or which within said period ending the first day of July, nineteen hundred and forty-eight, shall extend substantially reciprocal privileges to citizens of the Philippines.

SEC. 77. *Disqualification of officers and employees from acquiring patents and design registrations.*—All officers and employees of the Office shall not, during their employment and for one year thereafter, apply for a grant of patent or for the registration of a design, or acquire, directly or indirectly, except by hereditary succession, any patent of invention or design registration, or any right, title or interest therein.

SEC. 78. *Rules and regulations.*—The Director subject to the approval of the Secretary of Justice, shall promulgate the necessary rules and regulations, not inconsistent with law, for the conduct of all business in the Patent Office.

SEC. 79. *Records to be public.*—The records of the Office shall be open to public inspection, and any person may obtain an authenticated copy thereof on payment of the prescribed fees.

SEC. 80. *Repealing clause.*—Acts Numbered Twenty-two hundred and thirty-five, Twenty-seven hundred and ninety-three, as amended, and all other acts, or parts of acts, inconsistent herewith, are hereby repealed.

SEC. 81. *Reservation of prior rights.*—Any rights acquired under laws existing prior to the taking effect of this Act are hereby respected and preserved.

SEC. 82. *Appropriation.*—The sum of seventy-five thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, for the initial expenses of the Office, including organization expenses, salaries, supplies, equipment, and other sundry expenses until June thirtieth, nineteen hundred and forty-eight.

SEC. 83. *Effective date.*—This Act shall take effect on its approval.

Approved, June 20, 1947.

H. No. 1157

[REPUBLIC ACT No. 166]

AN ACT TO PROVIDE FOR THE REGISTRATION  
AND PROTECTION OF TRADE-MARKS, TRADE-  
NAMES AND SERVICE-MARKS, DEFINING UN-  
FAIR COMPETITION AND FALSE MARKING AND  
PROVIDING REMEDIES AGAINST THE SAME,  
AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

CHAPTER I.—*Powers, Duties and Functions of Patent Office*

SECTION 1. *Transfer of powers from Bureau of Commerce to Patent Office.*—The powers, duties and functions vested in, or performed and exercised by, the Bureau of Commerce in connection with the registration of trade-marks, trade-names and other marks are hereby transferred to the Patent Office. The administration of this Act shall devolve upon the Patent Office.

All books, records, documents and files of the Bureau of Commerce relating to trade-marks, trade-names and other marks, and such personnel of the said Bureau as is now discharging the functions or performing the duties of the Bureau of Commerce in connection with the registration of trade-marks, trade-names and other marks together with the corresponding appropriation, are transferred to the Patent Office, and the Budget Commissioner shall make immediate provision for such transfer.

CHAPTER II.—*Registration of Marks and Trade-Names*

SEC. 2. *What are registrable.*—Trade-marks, trade-names and service-marks may be registered in accordance with the provisions of this Act.

SEC. 3. *Application by non-residents.*—Any person filing an application for the registration of a mark or trade-name, who is not a resident of the Philippines, must appoint an agent or representative in the Philippines upon whom notice or process relating to the application or registration of the mark or trade-name may be served. In the event of death, absence or inability of the agent or representative, a new agent or representative must be appointed, and notice thereof must be filed in the Patent Office. Upon failure to maintain an agent or representative of record in the Patent Office, service on the Director shall be deemed sufficient.

SEC. 4. *Registration of trade-marks, trade-names and service-marks.*—The owner of a trade-mark, trade-name or service-mark used to distinguish his goods, business or ser-

vices from the goods, business or services of others shall have the right to register the same, unless it:

(a) Consists of or comprises immoral, deceptive or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;

(b) Consists of or comprises the flag or coat of arms or other insignia of the Philippines or any of its political subdivisions, or of any foreign nation, or any simulation thereof;

(c) Consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the Philippines, during the life of his widow, if any, except by the written consent of the widow;

(d) Consists of or comprises a mark or trade-name which so resembles a mark or trade-name registered in the Philippines or a mark or trade-name previously used in the Philippines by another and not abandoned, as to be likely, when applied to or used in connection with the goods, business or services of the applicant, to cause confusion or mistake or to deceive purchasers; or

(e) Consists of a mark or trade-name which, when applied to or used in connection with the goods, business or services of the applicant is merely descriptive or deceptively misdescriptive of them, or when applied to or used in connection with the goods, business or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or is primarily merely a surname.

(f) Except as expressly excluded in paragraphs (a), (b), (c) and (d) of this section, nothing herein shall prevent the registration of a mark or trade-name used by the applicant which has become distinctive of the applicant's goods, business or services. The Director may accept as *prima facie* evidence that the mark or trade-name has become distinctive, as applied to or used in connection with the applicant's goods, business or services, proof of substantially exclusive and continuous use thereof as a mark or trade-name by the applicant in connection with the sale of goods, business or services for the five years next preceding the date of the filing of the application for its registration.

SEC. 5. *Requirements of the application.*—The application for the registration of a mark or trade-name shall be in English or Spanish, or in the national language, with



its corresponding English translation, and signed by the applicant, and shall include:

(a) Sworn statement of the applicant's domicile and citizenship, the date of the applicant's first use of the mark or trade-name, the date of the applicant's first use of the mark or trade-name in commerce or business, the goods, business or services in connection with which the mark or trade-name is used and the mode or manner in which the mark is used in connection with such goods, business or services, and that the person making the application believes himself, or the firm, corporation or association on whose behalf he makes the verification, to be the owner of the mark or trade-name sought to be registered, that the mark or trade-name is in use in commerce or business, and that to the best of his knowledge no person, firm, corporation or association has the right to use such mark or trade-name in commerce or business either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive;

(b) Such number of specimens or facsimiles of the mark or trade-name as actually used as may be required by the Director;

(c) Power of attorney, if the filing is through attorney;

(d) The appointment of an agent or representative, if the applicant is not domiciled in the Philippines; and

(e) The required fee.

SEC. 6. *Classification of goods and services.*—The Director shall establish a classification of goods and services, for the convenience of the Patent Office administration, but not to limit or extend the applicant's rights. The applicant may register his mark or trade-name in one application for any or all of the goods or services included in one class, upon or in connection with which he is actually using the mark or trade-name. The Director may issue a single certificate for one mark or trade-name registered in a plurality of classes upon payment of a fee equaling the sum of the fees for each registration in each class.

SEC. 7. *Examination and publication.*—Upon the filing of an application for registration and the payment of the required fee, the Director shall cause an examination of the application to be made, and, if on such examination it shall appear that the applicant is entitled to registration, the Director, upon payment of the required fee, shall cause the mark or trade-name to be published in the *Official Gazette*.

If the applicant is found not entitled to registration, the Director shall advise the applicant thereof and of the reasons therefor. The applicant shall have a period of three months in which to reply or amend his application, which shall then be re-examined. This procedure may be re-

peated until the Director finally refuses registration or the applicant fails within the required period to reply or amend or appeal, whereupon the application shall be deemed to have been abandoned, unless it can be shown to the satisfaction of the Director that the delay in responding was unavoidable, in which event such time may be extended in the discretion of the Director. An abandoned application may be revived as a pending application within three months from the date of abandonment, upon good cause shown and the payment of the required fee.

SEC. 8. *Opposition.*—Any person who believes that he would be damaged by the registration of a mark or trade-name may, upon payment of the required fee and within thirty days after the publication under the first paragraph of section seven hereof, file with the Director an opposition to the application. Such opposition shall be in writing and verified by the oppositor, or by any person on his behalf who knows the facts, and shall specify the grounds on which it is based and include a statement of the facts relied upon. Copies of certificates of registration of marks or trade-names registered in other countries or other supporting documents mentioned in the opposition shall be filed therewith, together with the translation thereof into English, if not in the English language. For good cause shown and upon payment of the required surcharge, the time for filing an opposition may be extended for an additional thirty days by the Director, who shall notify the applicant of such extension.

SEC. 9. *Notice and hearing.*—Upon the filing of an opposition, the Director shall forthwith serve notice of the filing on the applicant, and of the date of the hearing thereof upon the applicant and the oppositor and all other persons having any right, title or interest in the mark or trade-name covered by the application, as appear of record in the Patent Office.

SEC. 10. *Issuance and publication of certificates.*—When the period for filing the opposition has expired, or when the Director shall have denied the opposition, the Director, upon payment of the required fee, shall issue the certificate of registration. Upon issuance of a certificate of registration, notice thereof making reference to the publication of the application shall be published in the *Official Gazette*.

SEC. 11. *Issuance and contents of the certificate.*—Certificates of registration shall be issued in the name of the Republic of the Philippines under the seal of the Patent Office, and shall be signed by the Director, and a record thereof together with a copy of the specimen or facsimile

and the statement of the applicant, shall be kept in books for that purpose. The certificate shall reproduce the specimen or facsimile of the mark or trade-name, contain the statement of the applicant and state that the mark or trade-name is registered under this Act, the date of the first use, the date of the first use in commerce or business, the particular goods or services for which it is registered, the number and date of the registration, the term thereof, the date on which the application for registration was received in the Patent Office, a statement of the requirement that in order to maintain the registration, periodical affidavits of use within the specified times hereinafter in section twelve provided, shall be filed, and such other data as the rules and regulations may from time to time prescribe.

SEC. 12. *Duration.*—Each certificate of registration shall remain in force for twenty years: *Provided*, That registrations under the provisions of this Act shall be cancelled by the Director, unless within one year following the fifth, tenth and fifteenth anniversaries of the date of issue of the certificate of registration, the registrant shall file in the Patent Office an affidavit showing that the mark or trade-name is still in use or showing that its non-use is due to special circumstances which excuse such non-use and is not due to any intention to abandon the same, and pay the required fee.

The Director shall notify the registrant who files the above-prescribed affidavits of his acceptance or refusal thereof and, if a refusal, the reasons therefor.

SEC. 13. *Disclaimers before issue.*—The Director shall require unregistrable matter to be disclaimed, but such disclaimer shall not prejudice or affect the applicant's or owner's rights then existing or thereafter arising in the disclaimed matter, nor shall such disclaimer prejudice or affect the applicant's or owner's rights of registration on another application of later date if the disclaimed matter has become distinctive of the applicant's or owner's goods, business or services.

SEC. 14. *Voluntary surrender, cancellation, amendment and disclaimer after registration.*—At any time, upon application of the registrant and payment of the required fee, the Director may permit any registration to be surrendered, cancelled, or for good cause shown to be amended, and he may permit any registered mark or trade-name to be disclaimed in whole or in part: *Provided*, That the registration when so amended shall still contain registrable matter and the mark or trade-name as amended shall still be registrable as a whole, and that such amendment or disclaimer does not involve such changes in the registration

as to alter materially the character of the mark or trade-name. The Director shall make appropriate entry upon the records of the Patent Office and upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof. The Director in his discretion and upon payment of the required fee, may issue a substitute certificate limited to the term of the original certificate and incorporating such amendment or correction.

#### CHAPTER III.—*Renewals of Certificate of Registration*

SEC. 15. *Renewal*.—Each certificate of registration may be renewed for periods of twenty years from the end of the expiring period upon the filing of an application therefor and the payment of the required fee. Such application for renewal shall include a sworn statement of the applicant's domicile and citizenship, the specific goods, business or services in connection with which the mark or trade-name is still in use, the period of any non-use in reference to the specific goods, business or services covered by original or renewed certificates of registration and any rights granted third parties for the use of the mark or trade-name, any additional goods, business or services to which the mark or trade-name has been extended during the period of the original or renewed certificates of registration, and any material variation in the manner of display of the mark or trade-name from that shown in the original or renewed certificate of registration. The applicant shall file the application within six months before the expiration of the period for which the certificate of registration was issued or renewed, or it may be made within three months after such expiration for good cause shown and upon payment of the required surcharge.

In the event the applicant for renewal be not domiciled in the Philippines, he shall be subject to and comply with the provisions of paragraph (d), section five, Chapter II hereof.

SEC. 16. *Effect of failure to renew registration*.—Mere failure to renew any registration shall not affect the right of the registrant to apply for and obtain a new registration under the provisions of this Act, nor shall such failure entitle any other person to register a mark or trade-name unless he is entitled thereto in accordance with the provisions of this Act.

#### CHAPTER IV.—*Cancellation of Registration*

SEC. 17. *Grounds for cancellation*.—Any person, who believes that he is or will be damaged by the registration of a mark or trade-name, may, upon the payment of the

prescribed fee, apply to cancel said registration upon any of the following grounds:

(a) That the registered mark or trade-name becomes the common descriptive name of an article or substance on which the patent has expired;

(b) That it has been abandoned;

(c) That the registration was obtained fraudulently or contrary to the provisions of section four, Chapter II hereof;

(d) That the registered mark or trade-name has been assigned, and is being used by, or with the permission of, the assignee so as to misrepresent the source of the goods, business or services in connection with which the mark or trade-name is used; or

(e) That cancellation is authorized by other provisions of this Act.

SEC. 18. *Requirements of petition; notice and hearing.*—Insofar as applicable, the petition herein shall be in the same form as that provided in section eight, Chapter II hereof, and notice and hearing shall be as provided in section nine, Chapter II hereof.

SEC. 19. *Cancellation of registration.*—If the Director finds that a case for cancellation has been made out he shall order the cancellation of the registration. The order shall not become effective until the period for appeal has elapsed, or if appeal is taken, until the judgment on appeal becomes final. When the order or judgment becomes final, any right conferred by such registration upon the registrant or any person in interest of record shall terminate. Notice of cancellation shall be published in the *Official Gazette*.

#### CHAPTER V.—*Rights and Remedies*

SEC. 20. *Certificate of registration prima facie evidence of validity.*—A certificate of registration of a mark or trade-name shall be *prima facie* evidence of the validity of the registration, the registrant's ownership of the mark or trade-name, and of the registrant's exclusive right to use the same in connection with the goods, business or services specified in the certificate, subject to any conditions and limitations stated therein.

SEC. 21. *Requirements of notice of registration of trade-mark.*—The registrant of a trade-mark, heretofore registered or registered under the provisions of this Act, shall give notice that his mark is registered by displaying with the same as used the words "Registered in the Philippines Patent Office" or "Reg. Phil. Pat. Off."; and in any suit for infringement under this Act by a registrant failing so to mark the goods bearing the registered trade-mark, no

damages shall be recovered under the provisions of this Act, unless the defendant has actual notice of the registration.

SEC. 22. *Infringement, what constitutes.*—Any person who shall use, without the consent of the registrant, any reproduction, counterfeit, copy or colorable imitation of any registered mark or trade-name in connection with the sale, offering for sale, or advertising of any goods, business or services on or in connection with which such use is likely to cause confusion or mistake or to deceive purchasers or others as to the source or origin of such goods or services, or identity of such business; or reproduce, counterfeit, copy or colorably imitate any such mark or trade-name and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used upon or in connection with such goods, business or services, shall be liable to a civil action by the registrant for any or all of the remedies herein provided.

SEC. 23. *Actions, and damages and injunction for infringement.*—Any person entitled to the exclusive use of a registered mark or trade-name may recover damages in a civil action from any person who infringes his rights, and the measure of the damages suffered shall be either the reasonable profit which the complaining party would have made, had the defendant not infringed his said rights, or the profit which the defendant actually made out of the infringement, or in the event such measure of damages cannot be readily ascertained with reasonable certainty, then the court may award as damages a reasonable percentage based upon the amount of gross sales of the defendant of the value of the services in connection with which the mark or trade-name was used in the infringement of the rights of the complaining party. In cases where actual intent to mislead the public or to defraud the complaining party shall be shown, in the discretion of the court, the damages may be doubled.

The complaining party, upon proper showing, may also be granted injunction.

SEC. 24. *Power of court to order infringing material destroyed.*—In any action arising under this Act, in which a violation of any right of the registrant shall have been established, the court may order that all labels, signs, prints, packages, wrappers, receptacles and advertisements in the possession of the defendant, bearing the registered mark or trade-name or any reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices and other means of making the same, shall be delivered up and destroyed.

SEC. 25. *Authority to determine right to registration.*—In any action involving a registered mark or trade-name the court may determine the right to registration, order the cancellation of registrations, in whole or in part, restore cancelled registration, and otherwise rectify the register with respect to the registration of any party to the action. Judgments and orders shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Patent Office, and shall be controlled thereby.

SEC. 26. *Action for false or fraudulent declaration.*—Any person who shall procure registration in the Patent Office of a mark or trade-name by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof.

SEC. 27. *Jurisdiction of Court of First Instance.*—All actions under this Chapter and Chapters VI and VII hereof shall be brought before the proper Court of First Instance.

SEC. 28. *Appeal.*—Appeal may be taken from any judgment or final order of the Court of First Instance in the same manner as in other actions.

#### CHAPTER VI.—*Unfair Competition*

SEC. 29. *Unfair competition, rights and remedies.*—A person who has identified in the mind of the public the goods he manufactures or deals in, his business or services from those of others, whether or not a mark or trade-name is employed, has a property right in the goodwill of the said goods, business or services so identified, which will be protected in the same manner as other property rights. Such a person shall have the remedies provided in section twenty-three, Chapter V hereof.

Any person who shall employ deception or any other means contrary to good faith by which he shall pass off the goods manufactured by him or in which he deals, or his business, or services for those of the one having established such goodwill, or who shall commit any acts calculated to produce said result, shall be guilty of unfair competition, and shall be subject to an action therefor.

In particular, and without in any way limiting the scope of unfair competition, the following shall be deemed guilty of unfair competition:

(a) Any person, who in selling his goods shall give them the general appearance of goods of another manufacturer or dealer, either as to the goods themselves or in the wrapping of the packages in which they are contained, or the devices or words thereon, or in any other feature of their appearance, which would be likely to influence purchasers to believe that the goods offered are those of a manufac-

turer or dealer other than the actual manufacturer or dealer, or who otherwise clothes the goods with such appearance as shall deceive the public and defraud another of his legitimate trade, or any subsequent vendor of such goods or any agent of any vendor engaged in selling such goods with a like purpose;

(b) Any person who by any artifice, or device, or who employs any other means calculated to induce the false belief that such person is offering the services of another who has identified such services in the mind of the public; or

(c) Any person who shall make any false statement in the course of trade or who shall commit any other act contrary to good faith of a nature calculated to discredit the goods, business or services of another.

#### CHAPTER VII.—*False Designation of Origin and False Description*

SEC. 30. *False designation of origin and false description forbidden.*—Any person who shall affix, apply, annex or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation, including words or other symbols tending falsely to describe or represent the same, and shall cause such goods or services to enter into commerce, and any person who shall with knowledge of the falsity of such designation of origin or description or representation cause or procure the same to enter into commerce, shall be liable to a civil action for damages and injunction provided in section twenty-three, Chapter V hereof, by any person doing business in the locality falsely indicated as that of origin or in the region in which said locality is situated, or by any person who believes that he is or is likely to be damaged by the use of any such false description or representation.

#### CHAPTER VIII.—*Assignment and Transmission of Rights*

SEC. 31. *Rights assignable and form of assignment.*—A registered mark or trade-name, or one for which application to register has been filed shall be assignable with the goodwill of the business in which the mark or trade-name is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark or trade-name, and in any such assignment it shall not be necessary to include the goodwill of the business connected with the use of and symbolized by any other mark or trade-name used in the business or by the name or style under which the business is conducted. Upon payment of the



required fee, the Director shall record assignments in due form in books kept for that purpose.

The assignment must be in writing, acknowledged before a notary public or other officer authorized to administer oaths or perform other notarial acts and certified under the hand and official seal of the notary or other officer.

An assignment shall be void as against any subsequent purchaser for a valuable consideration without notice, unless it is recorded in the Patent Office within three months after the date thereof or prior to such subsequent purchase.

SEC. 32. *Issuance of certificate of registration to assignee.*—A certificate of registration of a mark or trade-name may be issued to the assignee of the applicant, but the assignment must first be recorded in the Patent Office. In case of change of ownership the Director shall, at the request of the owner and upon proper showing and payment of the required fee, issue to such assignee a new certificate of registration of the said mark or trade-name in the name of such assignee, and for the unexpired part of the original period.

#### CHAPTER IX.—*Review of Orders or Decisions of Director*

SEC. 33. *Appeal from action of Director.*—Any party who has been denied registration of a mark or trade-name, or to the renewal of the registration, or to any cancellation proceeding in the Patent Office, may appeal to the Supreme Court from the final order or decision of the Director.

SEC. 34. *Procedure on appeal.*—Sections sixty-three to seventy-three, inclusive, Chapter VIII, of Republic Act No. .... entitled "An Act creating a Patent Office, prescribing its powers and duties, regulating the issuance of patents, and appropriating funds therefor," shall be applicable to the appeals herein provided.

#### CHAPTER X.—*Importations Prohibited*

SEC. 35. *Goods bearing infringing marks or trade-names.*—No article of imported merchandise which shall copy or simulate the name of any domestic product, or manufacturer, or dealer, or of any manufacturer or dealer located in any foreign country which, by treaty, convention or law affords similar privileges to citizens of the Philippines, or which shall copy or simulate a mark or trade-name registered in accordance with the provisions of this Act, or shall bear a mark or trade-name calculated to induce the public to believe that the article is manufactured in the Philippines, or that it is manufactured in any foreign country or locality other than the country or local-

ity where it is in fact manufactured, shall be admitted to entry at any customhouse of the Philippines. In order to aid the officers of the customs service in enforcing this prohibition, any person who is entitled to the benefits of this Act, may require his name and residence, and the name of the locality in which his goods are manufactured, a copy of the certificate of registration of his mark or trade-name to be recorded in books which shall be kept for this purpose in the Bureau of Customs, under such regulations as the Collector of Customs with the approval of the Secretary of Finance shall prescribe, and may furnish to the said Bureau facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered mark or trade-name, and thereupon the Collector of Customs shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the Bureau of Customs.

SEC. 36. *Goods with false designation of origin and false description.*—Any goods marked or labeled in contravention of the provisions of section thirty, Chapter VII hereof, shall not be imported into the Philippines or admitted to entry at any customhouse in the Philippines.

CHAPTER XI.—*Provisions in Reference to Foreign Industrial Property*

SEC. 37. *Rights of foreign registrants.*—Persons who are nationals of, domiciled in, or have a bona fide or effective business or commercial establishment in any foreign country, which is a party to any international convention or treaty relating to marks or trade-names, or the repression of unfair competition to which the Philippines may be a party, shall be entitled to the benefits and subject to the provisions of this Act to the extent and under the conditions essential to give effect to any such convention and treaties so long as the Philippines shall continue to be a party thereto, except as provided in the following paragraphs of this section.

No registration of a mark or trade-name in the Philippines by a person described in the preceding paragraph of this section shall be granted until such mark or trade-name has been registered in the country of origin of the applicant, unless the applicant alleges use in commerce.

For the purposes of this section, the country of origin of the applicant is the country in which he has a bona fide and effective industrial or commercial establishment, or if he has not such an establishment in the country in which he is domiciled, or if he has not a domicile in any of the countries described in the first paragraph of this section, the country of which he is a national.

An application for registration of a mark or trade-name under the provisions of this Act filed by a person described in the first paragraph of this section who has previously duly filed an application for registration of the same mark or trade-name in one of the countries described in said paragraph shall be accorded the same force and effect as would be accorded to the same application if filed in the Philippines on the same date on which the application was first filed in such foreign country: *Provided, That—*

(a) The application in the Philippines is filed within six months from the date on which the application was first filed in the foreign country; and within three months from the date of filing or within such time as the Director shall in his discretion grant, the applicant shall furnish a certified copy of the application for or registration in the country of origin of the applicant, together with a translation thereof into English, if not in the English language;

(b) The application conforms as nearly as practicable to the requirements of this Act, but use in commerce need not be alleged;

(c) The rights acquired by third parties before the date of the filing of the first application in the foreign country shall in no way be affected by a registration obtained on an application filed under this paragraph; and

(d) Nothing in this paragraph shall entitle the owner of a registration granted under this section to sue for acts committed prior to the date on which his mark or trade-name was registered in this country unless the registration is based on use in commerce.

The registration of a mark under the provisions of this section shall be independent of the registration in the country of origin and the duration, validity or transfer in the Philippines of such registration shall be governed by the provisions of this Act.

Trade-names of persons described in the first paragraph of this section shall be protected without the obligation of filing or registration whether or not they form parts of marks.

Any person designated in the first paragraph of this section as entitled to the benefits and subject to the provisions of this Act shall be entitled to effective protection against unfair competition, and the remedies provided herein for infringement of marks and trade-names shall be available so far as they may be appropriate in repressing acts of unfair competition.

Citizens or residents of the Philippines shall have the same benefits as are granted by this section to persons described in the first paragraph hereof.

CHAPTER XII.—*Construction and Definitions*

SEC. 38. *Words and terms defined and construed.*—In the construction of this Act, unless the contrary is plainly apparent from the context—

The term “trade-name” includes individual names and surnames, firm names, trade-names, devices or words used by manufacturers, industrialists, merchants, agriculturists, and others to identify their business, vocations or occupations; the names or titles lawfully adopted and used by natural or juridical persons, unions, and any manufacturing, industrial, commercial, agricultural or other organizations engaged in trade or commerce.

The term “trade-mark” includes any word, name, symbol, emblem, sign or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured, sold or dealt in by others.

The term “service-mark” means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others and includes without limitation the marks, names, symbols, titles, designations, slogans, character names, and distinctive features of radio or other advertising.

The word “business” includes vocations or occupations.

The term “mark” includes any trade-mark or service-mark entitled to registration under this Act whether registered or not.

The word “registrant” includes the owner of a registered mark or trade-name.

CHAPTER XIII.—*Fees*

SEC. 39. *Fees.*—The following fees shall be paid:

For filing application for registration for each class included in the application, fifty pesos;

For filing application for revival of abandoned application for registration, twenty-five pesos;

For publication in the *Official Gazette* of allowance of application, fifty pesos;

For filing of opposition, fifty pesos;

For issuance and publication of certificate of registration, twenty-five pesos;

For filing each affidavit required by section twelve, Chapter II hereof, twenty-five pesos;

For filing disclaimer, amendment, surrender or cancellation after registration, twenty pesos;

For issuance of a substitute certificate of registration following correction of a registrant's mistake, twenty-five pesos;

For issuance of a new certificate of registration following change of ownership of a mark, twenty-five pesos;

For filing petition for renewal of certificate of registration for each class, fifty pesos;

For filing petition for cancellation, fifty pesos;

For surcharge for any delayed payment or any delayed action of an applicant or registrant, twenty-five pesos;

For notice of appeal from orders or decisions of Commissioner, twenty-five pesos;

For recording assignments for each mark or trade-name, ten pesos;

For issuance of a certificate regarding the registration or nonregistration of each mark or trade-name, ten pesos;

For issuance of an affirmative or negative certificate regarding the registration of any document in connection with a mark or trade-name, ten pesos;

For filing any other documents in connection with marks or trade-names not required by law to be filed, ten pesos;

For certifying a copy to be a true and exact copy, one peso;

For copies of records, two pesos per photostat sheet; one peso per one hundred words of typewritten copy; and

For services not otherwise specified, the Director shall, by regulation, provide the fees therefor.

SEC. 40. *Collective marks and collective trade-names.*—Collective marks and collective trade-names belonging to coöperatives, associations or other collective groups or organization may also be registered under the provisions of this Act, even though the said collectivities may not possess an industrial, commercial or agricultural establishment. Foreign collectivities may not, however, procure such registration if the existence of such collectivities is contrary to the laws of the country of origin.

Such collective marks and collective trade-names, when registered, shall be entitled to the protection provided herein in the case of marks and trade-names, except when used so as to represent falsely that the owner or a user makes or sells the goods on which the mark or trade-name is used, or so as to represent falsely the origin of the goods or services.

The other provisions of this Act relating to marks and trade-names shall apply to collective marks and collective trade-names, except that the part of paragraph (e), section four, Chapter II hereof, relating to geographically descriptive marks or trade-names shall not be applicable in appropriate cases.

A "collective mark" or "collective trade-name" is a mark or trade-name used by the members of a coöperative, an association or other collective group or organization.

CHAPTER XIV.—*Miscellaneous Provisions*

SEC. 41. *Reservation in favor of prior registration.*—Owners of marks or trade-names registered under the provisions of the laws in force prior hereto, the registrations of which are still subsisting under the said laws, are hereby granted the right:

(a) Within one year after the taking effect of this Act to surrender their certificates of registration and procure the issuance of new certificates, in which event they shall be entitled to the benefits and subject to the provisions of this Act; or

(b) Within one year before the expiration of the period for which the certificates of registration was issued or renewed, the registrant may renew the registration upon filing an application therefor, as provided in section fifteen, Chapter III hereof. If said application is granted a renewal certificate shall be issued by the Director in accordance with the provisions of this Act.

SEC. 42. *Renewal of registrations which expired during the war.*—The provisions of this Act to the contrary notwithstanding, registrations under prior laws which expired after the eighth day of December, nineteen hundred forty-one, and which the owners were not able to renew for causes arising out of the war, may be renewed within one year after this Act takes effect, and non-use of the mark or trade-name may be shown to be due to special circumstances. If the application for renewal is granted, a renewal certificate to commence from the date of the expiration of the prior registration shall be issued by the Director in accordance with the provisions of this Act.

SEC. 43. *Pending applications.*—All applications for registration pending on the effective date of this Act may be amended, if practicable, to bring them under the provisions of this Act, without the payment of any additional fee. The prosecution of such applications whether amended or not and the grant of registrations thereon shall conform to the provisions of this Act.

SEC. 44. *Repealing clause.*—Act Numbered Six hundred and sixty-six of the Philippine Commission, approved March six, nineteen hundred and three, and all laws amendatory thereto; Act Numbered Thirty hundred and seventy of the Philippine Legislature, approved March sixteen, nineteen hundred and twenty-three; Act Numbered Thirty-two hundred and two, approved December three, nineteen hundred and twenty-four, and all other acts, or parts of acts inconsistent herewith, are hereby repealed.

SEC. 45. *Effective date.*—This Act shall take effect on its approval.

Approved, June 20, 1947.

H. No. 1160

[REPUBLIC ACT No. 167]

AN ACT TO PROVIDE FOR THE TRANSFER OF THE  
POWERS, DUTIES AND FUNCTIONS RELATING  
TO THE REGISTRATION AND PROTECTION OF  
COPYRIGHTS FROM THE NATIONAL LIBRARY  
TO THE PATENT OFFICE, AND FOR OTHER  
PURPOSES.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. *Transfer of powers from National Library to Patent Office.*—The powers, duties and functions vested in, or performed and exercised by, the National Library in connection with the registration of copyrights are hereby transferred to the Patent Office.

All books, records and files of the National Library relating to copyrights, and such personnel of said National Library as is now discharging the functions or performing the duties of the National Library in connection with the registration of copyrights with the corresponding appropriation, are transferred to the Patent Office, and the Budget Commissioner shall make immediate provision for such transfer: *Provided, however,* That one of the two copies deposited in connection with every copyright registration already effected and hereinafter to be made will remain with or be sent to the National Library for its Filipiniana collection; and that for the purposes of this provision the Copyright Office shall hereafter require the deposit of two copies in connection with the registration of any class of published works as well as of any kind of manuscripts or other unpublished works.

SEC. 2. This Act shall take effect on its approval.

Approved, June 20, 1947.

H. No. 1138

[REPUBLIC ACT No. 168]

AN ACT TO AMEND CERTAIN SECTIONS OF COM-  
MONWEALTH ACT NUMBERED ONE HUNDRED  
AND FIFTY-EIGHT, AS AMENDED, OTHERWISE  
KNOWN AS THE CHARTER OF THE CITY OF  
ILOILO.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section fourteen of Commonwealth Act Num-  
bered One hundred and fifty-eight, as amended by Com-

monwealth Act Numbered Six hundred four, is further amended to read as follows:

"SEC. 14. *Constitution and organization of the Municipal Board.*—The Municipal Board shall be the legislative body of the city and shall consist of the City Mayor and ten councilors, five of them to be appointed by the President of the Philippines, with the consent of the Commission on Appointments, and the other five to be elected by popular vote. The City Mayor shall act as Chairman of the Board. Until the next general elections, the positions of the five elective councilors shall be filled in the same manner as those of the appointive councilors. The Chairman of the Board shall preside over all sessions thereof to vote on all matters submitted to the Board. In his absence, the members present shall elect one to preside at the sessions of the Board as temporary chairman. The Chairman of the Board shall sign all ordinances and resolutions and motions directing the payment of money or creating liability. In case of sickness or absence of any member of the Board, or if it becomes necessary to maintain a *quorum*, the President of the Philippines shall appoint a temporary substitute who shall hold office, possess all the rights, receive the emoluments and discharge all the duties in connection therewith until the return to duty of the sick or absent member.

"The President of the Philippines, with the consent of the Commission on Appointments, shall fill for the rest of the term all the permanent vacancies taking place in the Municipal Board.

"The City Mayor shall discharge his duties in the Board without additional compensation. The other members shall each receive a *per diem* of ten pesos for each day of attendance at the session of the Board."

SEC. 2. Section seventeen of the same Act is amended to read as follows:

"SEC. 17. *Appropriations by the Board.*—The Board shall make all appropriations for the expenses of the government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reenacted and shall go into effect on the first day of January of the current year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

"The Municipal Board shall obtain the written opinion of the city treasurer on any matter involving the levying or collection of taxes or expenditure of funds, but the opinion so obtained shall have no weight beyond that of a recommendation; and the Municipal Board shall have



full authority to decide the matter in such manner as it may deem just and advisable for the interests of the city, the provisions of paragraph (i) of section twenty-seven hereof notwithstanding."

SEC. 3. Section eighteen of the same Act as amended by Commonwealth Act Numbered Six hundred and four is further amended to read as follows:

"SEC. 18. *Method of transacting business by the Board—Veto, authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the Board shall hold two ordinary sessions every week for the transaction of business on days which it shall fix by resolution, and such special sessions not exceeding ten during any one year as may be called by the Mayor, except the sessions provided in section thirty-seven of this Chapter. It shall sit with open doors unless otherwise ordered by the affirmative vote of five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Six members of the Board shall constitute a quorum for the transaction of business and six affirmative votes shall be necessary for the passage of any ordinance, resolution or motion. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each ordinance enacted by the Board and each resolution or motion directing the payment of money or creating liability shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of seven members of the Board. The Mayor shall have the power to veto any particular item or items of an appropriation ordinance or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he did not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions or motions returned to the Board with his veto. Each approved ordinance, and each resolution or motion directing the payment of money or creating liability which may be passed shall be sealed with the city seal, signed by the Chairman of the Board and the Secretary, recorded in a book kept for that purpose, published within ten days after its approval, and if no date is fixed

in the same, it shall take effect and be in force on the twentieth day following its publication."

SEC. 4. Sections twenty-three and fifty-eight of the same Act as amended by Commonwealth Act Numbered Five hundred sixty-eight, and the first two paragraphs of section fifty-six of the same Act, are further amended to read as follows:

"SEC. 23. *City Departments.*—There shall be the following city departments over which the Mayor shall have general supervisory control.

"1. Department of Finance and Assessment

"2. Department of Engineering and Public Works

"3. Legal Department

"4. Police and Fire Department

"The Board may from time to time make such readjustments of the duties of the several departments as the public interest may demand.

"The chiefs of departments shall receive the following annual salaries: five thousand one hundred pesos for the city treasurer and assessor, and an amount not in excess of the salary paid to ex-officio assessor of a province in the same category, as ex-officio city assessor; four thousand eight hundred pesos for the city engineer; four thousand pesos for each of the municipal judges; four thousand eight hundred pesos for the city fiscal; and four thousand eight hundred pesos for the chief of police and fire department.

"The city fiscal shall have two assistants who shall receive compensation in accordance with the following scale: (a) The first assistant city fiscal shall receive three thousand six hundred pesos per annum; and (b) the second assistant city fiscal shall receive three thousand pesos per annum. The city fiscal and his assistants shall be appointed by the President of the Philippines with the consent of the Commission on Appointments."

"SEC. 56. *Municipal Court—Its jurisdiction.*—There shall be a Municipal Court for the City of Iloilo for which there shall be appointed two municipal judges who shall receive a salary of four thousand pesos each. The municipal judges shall have as a general rule the same powers and duties as justices of the peace, including authority to solemnize marriages. They shall be entitled to thirty days' vacation with pay each year.

"In case of absence, incapacity or disqualification both of the municipal judges the judge of the Court of First Instance of the district shall assign the justice of the peace of any of the adjacent municipalities to preside the Municipal Court, and the same shall act temporarily until such absence, incapacity or disqualification shall cease or until another municipal judge shall be appointed by the President

of the Philippines, with the consent of the Commission on Appointments.

"SEC. 58. *Clerk and employees of Municipal Court—Sheriff and Deputy Sheriffs.*—There shall be a clerk of the municipal court who shall be appointed by the Secretary of Justice and shall receive a yearly salary of three thousand pesos. The clerk shall at the same time be sheriff of the city and shall as such have the same powers and duties as assigned by existing law to provincial sheriffs: *Provided, however,* That the newspaper or newspapers in which notices of sales at auction of real property or other notices are to be published shall be designated by the interested party. There shall be one deputy clerk of the municipal court, three deputy sheriffs and other clerks of the municipal court who shall be appointed by the municipal judge and whose salaries shall be fixed by the Municipal Board.

"The clerk of the Municipal Court shall keep its seal and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in any summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, the date of the trial, and the nature of the judgment, together with the fines and cost adjudged or collected in accordance with the judgment. He shall have power to administer oaths."

SEC. 5. This Act shall take effect on July first, nineteen hundred and forty-seven.

Approved, June 20, 1947.

H. No. 1135

[REPUBLIC ACT No. 169]

AN ACT TO AMEND SECTION THIRTY-EIGHT OF COMMONWEALTH ACT NUMBERED FIFTY-EIGHT KNOWN AS THE CHARTER OF THE CITY OF CEBU, AS AMENDED BY COMMONWEALTH ACT NUMBERED ONE HUNDRED AND TWENTY-NINE AND BY REPUBLIC ACT NUMBERED SIXTY-SEVEN.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section thirty-eight of Commonwealth Act Numbered Fifty-eight, known as the Charter of the City of Cebu, as amended by Commonwealth Act Numbered One

hundred and twenty-nine and by Republic Act Numbered Sixty-seven, is hereby amended to read as follows:

"SEC. 38. *Regular and acting judges of the Municipal Court.*—There shall be a Municipal Court for the City of Cebu consisting of two branches, for which two judges shall be appointed, to be known, respectively, as judge of the first and second branch, and who shall receive salaries of four thousand pesos each.

"The first branch shall have exclusive jurisdiction in criminal cases and the second branch, in civil cases and in juvenile delinquencies.

"The Municipal Court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon justice of the peace courts and such additional jurisdiction and powers as may hereafter be conferred upon them by law.

"In case of absence, sickness or incapacity of any of the judges of the Municipal Court and in case of any vacancies in such offices, the Secretary of Justice may designate any assistant fiscal in the office of the provincial fiscal of Cebu to act as judge of the Municipal Court of the City of Cebu, with all the powers of a regular judge of said court, but such acting judge shall not receive any additional compensation during the time he is acting as such."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1204

[REPUBLIC ACT No. 170]

### AN ACT CREATING THE CITY OF DAGUPAN

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. This Act shall be known as the Charter of the City of Dagupan.

#### ARTICLE I.—*General Provisions*

SEC. 2. *Territory of Dagupan City.*—The City of Dagupan, which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Dagupan, in the Province of Pangasinan.

•The President of the Philippines may, by executive order, increase the territory of the City of Dagupan by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest.

SEC. 3. *Corporate charter of the city.*—The City of Dagupan constitutes a political body corporate and is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corpora-

tion, to be exercised in conformity with the provisions of this Charter.

SEC. 4. *Seal and general powers of the city.*—The city shall have a common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 5. *The city not liable for damages.*—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the Municipal Board, the Mayor, or any other city officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Municipal Board, Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 6. *Jurisdiction of the city.*—The jurisdiction of the City of Dagupan for police purposes shall be coextensive with its territorial jurisdiction, and shall extend to three miles from the shore into the Lingayen Gulf; and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

#### ARTICLE II.—*The Mayor*

SEC. 7. *The Mayor—His appointment and compensation.*—The Mayor shall be the chief executive of the city. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines and shall hold office at the pleasure of the President.

He shall receive a salary of not exceeding four thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding two thousand pesos per annum.

SEC. 8. *The Acting Mayor.*—In the event of sickness, absence, or other temporary incapacity of the Mayor, or in the event of a vacancy in the position of Mayor, the City Treasurer shall perform the duties of the Mayor until said office shall be filled in accordance with law. If, for any reason, the duties of the office of the Mayor cannot be performed by the City Treasurer, said duties shall be performed by the City Engineer. In case of the incapacity of the officials mentioned above to perform the duties of

the Mayor, the President shall appoint or designate one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed or designated is other than a government official, he shall receive the same compensation.

SEC. 9. *General powers and duties of the Mayor.*— Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the authority and supervision of the Secretary of the Interior. He shall have the following general powers and duties:

(a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.

(b) To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city, and, subject to the provisions of this charter, have control of all its property.

(c) To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.

(e) To see that the executive officers and employees of the city properly discharge their respective duties.

(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city over whom he has executive supervision and control at least once a year, and whenever occasion arises. For this purpose he shall be provided by the Municipal Board with such clerical or other assistance as may be necessary.

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

(h) To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.

(i) To submit to the Municipal Board at least two months before the beginning of each fiscal year a budget of receipts and expenditures of the city.

(j) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.

(k) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.

(l) To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof.

(m) To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.

(n) To submit an annual report to the Secretary of the Interior.

(o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos per annum.

The secretary shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the Mayor, and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and shall charge twenty centavos for each one hundred words including the certificate, such fees to be paid directly to the City Treasurer.

### ARTICLE III.—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board—Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be composed of the Mayor, who shall be its presiding officer, and eight councillors, who shall be elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Election Code. In case of sickness, absence, suspension or other temporary disability of any member of

the Board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

If any member of the Municipal Board should be a candidate for office in any election, he shall be disqualified to act with the Board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance, or they may choose some disinterested elector of the city to act with the Board in such matters in his stead.

The members of the Municipal Board shall receive ten pesos for each day of attendance of the session of the Board.

SEC. 12. *Qualifications, election, suspension and removal of Members of Board.*—The members of the Municipal Board shall be qualified electors of the city, residents therein for at least one year, and not less than twenty-three years of age. Upon qualifying, the members-elect shall assume office on the date fixed in the Election Code until their successors are elected and qualified.

If for any reason the election fails to take place on the date fixed by law, or such election results in a failure to elect one or more of the members, the President shall issue as soon as practicable a proclamation calling a special election to fill said office. Whenever the member-elect dies before assumption of office, or, having been elected, his election is not confirmed by the President for disloyalty, or such member-elect fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment. Vacancies occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

The members of the Municipal Board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the Board.

SEC. 13. *Appointment, salary and duties of Secretary of Board.*—The Board shall have a secretary who shall be appointed by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance, approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos per annum. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.



The Secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board—City of Daguapan," and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board; shall cause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words including certificate, the fees to be paid directly to the city treasurer and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 14. *Method of transacting business by the Board—Veto authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the Board shall hold one ordinary session for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary session, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Five members of the Board shall constitute a *quorum* for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but any other measure shall prevail upon the majority votes of the members present at any meeting duly called and held. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Board, signed by the presiding officer and the secretary of the Board and recorded in a book for the purpose, and shall, on the day fol-

lowing its passage, be posted by the Secretary at the main entrance to the City Hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution, or motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of six members of the Board, and again forwarded to the Mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the Secretary of the Interior for his approval or disapproval, which shall be final. The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

The Secretary of the Interior shall have full power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the Municipal Board if he finds said ordinance, resolution or motion or parts thereof, beyond the powers conferred upon the Board.

SEC. 15. *General powers and duties of the Board.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the Municipal Board shall have the following legislative powers:

(a) To provide for the levy and collection of taxes for general and special purposes in accordance with law including specifically the power to levy real property tax not to exceed two *per centum ad valorem*.

(b) To make all appropriations for the expenses of the government of the city.

(c) To fix with the approval of the Department Head the number and salaries of officials and employees of the city not otherwise provided for in this Act.

(d) To authorize with the approval of the Department Head the free distribution of medicines to the employees and laborers of the city whose salary or wage does not exceed sixty pesos per month or two pesos and fifty centavos per day; of fresh or evaporated native milk to indigent mothers residing in the city and of bread and light meals to indigent children of ten years or less of age residing in the city, the distribution to be made under the direct supervision and control of the Mayor.

(e) To fix the tariff of fees and charges for all services rendered by the city or any of its department, branches or officials.

(f) To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.

(g) To establish and maintain schools as provided by law and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

(h) To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the vocational schools and in those higher institutions supported by the city.

(i) To establish and maintain an efficient police force and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes, and persons convicted of violating any of the ordinances of the city.

(j) To establish and maintain an official fire force and provide engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

(k) To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.

(l) To regulate the use of lights in stables, shops, and other buildings and places and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, skyrockets, and other pyrotechnic display, and to fix the fees for such permits.

(m) To make regulations to protect the public from conflagration and to prevent and mitigate the effects of famine, floods, storms, and other public calamities, and provide relief for persons suffering from same.

(n) To regulate and fix the amount of the license fees for the following: Hawkers, peddlers and hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, beauty parlors, massagists, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding houses, livery garages, livery stables, boarding stables, dealers in large cattle, public billiard tables, laundries, cleaning and dying establishments, public warehouses, circuses, and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, slot machines, merry-go-rounds, pawnshops, dealers in second-hand merchandise, junk dealers, brewers, distillers, rectifiers, money changers and brokers, public ferries, theaters, theatrical performances, cinematographs, public exhibition and all other performances and places of amusements, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread, and other provisions.

(o) To tax and fix the license fees on dealers in new automobiles or accessories or both, and retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, those retail dealers shall be classified as (A) retail dealers in general merchandise, and (B) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods.

(p) To tax, fix the license fee for, regulate the business and fix the location of, match factories, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the rules and regulations issued by the Director of Health in accord-

ance with law, tanneries, renderies, tallow chandleries, embalmers, and funeral parlors, bone factories, and soap factories.

(q) To impose tax on motor and other vehicles, and draft animals not paying any national tax: *Provided*, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the city shall be exempt from such tax.

(r) To regulate the method of using steam engines and boilers, and all other motive powers other than marine or belonging to the Government of the Philippines; to provide for the inspection thereof and for a reasonable fee for such inspection, and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(s) To enact ordinances for the maintenance and preservation of peace and good morals.

(t) To regulate and fix the license fees for the keeping of dogs, to authorize their impounding and destruction when running at large, contrary to ordinances, and to tax and regulate the keeping or training of fighting cocks.

(u) To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(v) To prohibit and provide for the punishment of cruelty to animals.

(w) To regulate the inspection, weighing, and measuring of brick, lumber, coal, and other articles of merchandise.

(x) To prohibit the establishment or operation of dance halls, cabarets, and cockpits.

(y) Subject to the provisions of subsection (f) of section nineteen hundred one of the Administrative Code, to provide for the laying out, construction, and improvement, and to regulate the use, of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for, and prohibit the use of the same for processions, signs, signposts, awnings, awning posts, the carrying or displaying of banners, placards, advertisements, or hand bills, or the flying of signs, flags, or banners, whether along, across, over or from buildings, along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse or other offensive mat-

ter or matters liable to cause damage, in the streets and other public places, and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to provide for the construction and maintenance, and regulate the use, of bridges, viaducts, and culverts; to prohibit or regulate ball playing, kite flying, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horses and other animals; motor and other vehicles, cars, and locomotives within the limits of the city; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; unless otherwise provided by law, to provide for and change the location, grade, and crossing of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, and to construct and repair ditches, drains, sewers, and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(z) To provide for the construction and maintenance of, and regulate the navigation on, canals and water courses within the city and provide for the clearing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance, and regulate the use, of public landing places, wharves, piers, docks and levees, and of those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary rules and regulations issued in accordance with law.

(aa) Subject to the provisions of the Public Service Law, to fix the charges to be paid by all watercraft landing at or using public wharves, dock, levees, or landing places owned, operated, managed or controlled by the city.

(bb) To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix, subject to the provisions of the Public Service Law, and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(cc) To provide for the establishment and maintenance and regulate the use, of public drains, sewers, latrines, and cesspools.

(dd) Subject to the rules and regulations issued by the Director of Health in accordance with law, to provide for the establishment, maintenance and regulation and fix the fees for the use of public stables, laundries and baths, and public markets and prohibit the establishment or operation within the city limits of public markets by any person, entity, association, or corporation other than the city.

(ee) To establish or authorize the establishment of slaughterhouses, to provide for their veterinary or sanitary inspection, to regulate the use of the same, and to charge reasonable slaughter fees. No fees shall be charged for veterinary or sanitary inspection of meat from large cattle or other domestic animals slaughtered outside the city, when such inspection was had at the place where the animals were slaughtered.

(ff) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment, or service open to the public within the city limits; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution, or removal of the same when defective or dangerous.

(gg) To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so after sixty days from the date of serving a written notice, the cost thereof to be assessed to the owner to the extent of not to exceed sixty *per centum* of the assessed value, which cost shall constitute a lien against the property; and to regulate or prohibit or fix the license fees for the use of property on or near

public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of bill-boards or structures of whatever material erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

(hh) To provide for the enforcement of the rules and regulations issued by the Director of Health, and by ordinance to prescribe penalties for violations of such rules and regulations.

(ii) To extend its ordinance over all waters within the city, over any boat or other floating structures thereon and, for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(jj) To tax, fix the license fee for, and regulate the sale, trading in or disposal of, alcoholic or malt beverages, wines, and mixed or fermented liquor including tuba, basi, tapuy, offered for retail sale.

(kk) To regulate any other business or occupation not specifically mentioned in the preceding paragraphs, and to impose a license fee upon all persons engaged in the same or who enjoy privileges in the city.

(ll) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act.

(mm) To fix the date of the holding of a fiesta in the city not oftener than once a year and to alter, not oftener than once in three years, the date fixed for the celebration thereof.

(nn) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this Act, and to fix the penalties for the violation of ordinances, which shall not exceed a two hundred-peso fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 16. *Restrictive provisions.*—No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the Mayor shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive



to the sight or is otherwise a nuisance, he may order the removal, of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order, he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the creation or display thereof.

ARTICLE IV.—*Departments and Offices of the City*

SEC. 17. *City Department.*—There shall be a finance department, an engineering department, a law department, a police department and a fire department. Unless otherwise provided by law, the Mayor shall have general supervisory control over all the city departments.

The Municipal Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and, with the approval of the President, may consolidate any department, division or office of the city with any other department, division or office.

SEC. 18. *Powers and duties of Heads of Departments.*—Each head of department of the city government shall be in control of such department and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. At least four months before the beginning of each fiscal year, he shall prepare and present to the Mayor an estimate of the appropriation necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the Mayor as often as required reports covering the operations of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the city departments, the officer next in charge of that department shall act in his place with authority to sign all necessary papers, vouchers, requisitions, and so forth.

SEC. 19. *Appointment and removal of officials and employees.*—The President of the Philippines shall appoint, with the consent of the Commission on appointments, the judge and auxiliary judge of the municipal court, the city treasurer, the city engineer, the city attorney, the chief of police, the chief of the fire department, and the other heads of such city departments as may be created. Except the judge and the auxiliary judge of the municipal court, said officers shall hold office at the pleasure of the President.

All other officers and employees of the city whose appointment is not otherwise provided for by law shall be appointed by the Mayor upon the recommendation of the corresponding city department head in accordance with the Civil Service Law, and they shall be suspended or removed in accordance with said law.

SEC. 20. *Officers not to engage in certain transactions.*—It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

#### ARTICLE V.—*Finance Department*

SEC. 21. *The city treasurer—His powers, duties and compensation.*—There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of not exceeding three thousand six hundred pesos *per annum*. He shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents due for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all costs, fees, fines and forfeitures imposed by the municipal court.

(b) He shall collect all miscellaneous charges made by the engineering department and by the other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installations, maintenance, and services rendered in the operation of the private privy system.

(c) He shall collect, as deputy of the Collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the Government of the Republic of the Philippines upon property or persons in the City of Dagupan depositing daily such collections in any depository bank of the Government.

(d) Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers

generally, as well as the other duties imposed upon him by law.

(e) He shall purchase and issue all supplies, equipment or other property required by the city, through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

(f) He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.

(g) He shall deposit daily all municipal funds and collections in any bank duly designated as Government depository.

(h) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the Municipal Board for their administrative information a statement of the appropriation, expenditures and balances of all funds and accounts as of the last day of the month preceding.

#### ARTICLE VI.—*Engineering Department*

SEC. 22. *The City Engineer—His powers, duties and compensation.*—There shall be a city engineer, who shall be in charge of the Department of Engineering and Public Works. He shall receive a salary of not exceeding three thousand pesos per annum. He shall have the following powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such service in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the Mayor.

(c) He shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same.

(d) He shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality.

(e) He shall have the care of all public buildings, when erected, including markets and slaughterhouses and all

buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places, and public buildings.

(f) He shall have the care of all public streets, parks, and bridges, and shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city.

(g) He shall have the care and custody of all public docks, wharves, piers, levees, and landing places owned by the city.

(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.

(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same.

(j) He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same, in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system.

(k) He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city.

(l) He shall inspect and report upon the conditions of public property and public works whenever required by the Mayor.

(m) He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department.

(n) He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city.

(o) With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the materials employed in the construction or repair of any building or structure made in violation

of said ordinances; and shall cause buildings or structures dangerous to the public to be made secure or torn down.

(p) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

SEC. 23. *Execution of authorized public works and improvement.*—All repair or construction of any work or public improvement, except parks, boulevards, streets or alleys, involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement in the Official Gazette for not less than ten days, by the Mayor upon the recommendation of the city engineer: *Provided, however,* That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In the case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulations, prescribed.

#### ARTICLE VII.—*Law Department*

SEC. 24. *The City Attorney—His powers and duties.*—The city attorney shall be the chief legal adviser of the city. He shall receive a salary of not exceeding three thousand pesos *per annum*. He shall have the following powers and duties:

(a) He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

(c) He shall, when requested, attend meetings of the Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instrument already drawn.

(d) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof.

(e) He shall, whenever it is brought to his knowledge that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any con-

sideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the Mayor.

(f) He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by *subpœna*, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance.

(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Pangasinan and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the city health officer.

(i) He shall at all times render such professional services as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

(j) He shall perform the duties prescribed by law for register of deeds.

#### ARTICLE VIII.—*Police Department*

SEC. 25. *The chief of police—His powers, duties and compensation.*—There shall be a chief of police who shall have charge of the police department. He shall receive a salary of not exceeding two thousand four hundred pesos *per annum*. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law, for the government of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city;

shall be charged with the protection of the rights of person and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any person arrested for violation of any city ordinance.

(d) He shall have authority within the police limits of the city, to serve and execute criminal processes of any court.

(e) He shall be the deputy sheriff of the city, and as such he shall, personally or by representative, attend the sessions of the municipal court, and shall execute promptly and faithfully, all writs and processes of said court.

(f) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

SEC. 26. *Chief of secret service.*—There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

This chief of secret service shall receive a salary of not exceeding one thousand eight hundred pesos per annum.

SEC. 27. *Peace officers—Their powers and duties.*—The Mayor, the chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdiction limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime, or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen and to

exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain and arrest a person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

ARTICLE IX.—*Fire Department*

SEC. 28. *Chief of fire department—His powers and duties and compensation.*—There shall be a chief of fire department who shall have charge of said department. He shall receive a salary of not exceeding one thousand eight hundred pesos per annum. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

(b) He shall have charge of the fire-engine houses, fire engines, hose carts, hooks and ladders, trucks, and all other fire apparatus.

(c) He shall have full police powers in the vicinity of fires.

(d) He shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property.

(e) He shall investigate and report to the Mayor upon the origin and cause of all fires occurring within the city.

(f) He shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinances relating thereto.

(g) He shall have charge of the city fire alarm service.

(h) He shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.

(i) He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives.

(j) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.



ARTICLE X.—*Assessment Department*

SEC. 29. *The city assessor—His powers and duties.*—The city assessor shall have charge of the department of assessment. He shall receive a salary of not exceeding two thousand four hundred pesos per annum. He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make the list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value thereof. In making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cash value. He may, if necessary, examine the records of the office of the Register of Deeds in the Province of Pangasinan showing the ownership of real estate in the city. The city treasurer shall act as city assessor until the municipal board, by ordinance approved by the Department Head, provides otherwise.

SEC. 30. *Real estate exemption from taxation.*—The following shall be exempt from taxation:

(a) Lands or buildings owned by the Republic of the Philippines, the Province of Pangasinan or the City of Dagupan, and burying grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though income therefrom be devoted to religious, charitable, scientific, or educational purposes.

(b) Lands or buildings which are the only real property of the owner, and the value of which does not exceed two hundred pesos.

(c) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery.

SEC. 31. *Declaration to be made by persons acquiring or improving real estate.*—It shall be the duty of each per-

son who, at any time, acquire real estate in the city, and of each person who constructs or adds to any improvements on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the city assessor readily to identify the same. Any person having acquired real estate who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property, and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its owner.

SEC. 32. *Action when owner makes no returns, or is unknown, or ownership in dispute or in doubt, or when land and improvements are separately owned.*—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made.

SEC. 33. *Action in case estate has escaped taxation.*—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property, the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

SEC. 34. *When assessment may be increased or reduced.*—The city assessor shall during the first fifteen days of January of each year add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property

which is taxable and which has therefore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment as the case may be.

SEC. 35. *Publication of complete list and proceedings thereon.*—The city assessor shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the City Hall, that the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of February, the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. He shall further notify in writing each person the amount of whose tax will be changed by such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines, sometime in the month of January.

It shall be his duty carefully to preserve and record in his office copies of said notice. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice had been done or errors have been committed he is authorized to amend the list in accordance with his findings.

SEC. 36. *City assessor to authenticate lists of real estate assessed.*—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

“I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in the City of Dagupan has been omitted from the list, according to the best of my knowledge and belief.

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(Signature)  
City Assessor”

SEC. 37. *Time and manner of appealing to Board of Tax Appeals.*—In case any owner of real estate, or his authorized agent, shall feel aggrieved by any decision of the city assessor under the preceding sections of this article, such owner or agent may, within thirty days after the entry of such decision, appeal to the Board of Tax Appeals. The appeal shall be perfected by filing a written evidence in his possession relating to such assessment and valuation.

SEC. 38. *Constitution and compensation of Board of Tax Appeals.*—There shall be a Board of Tax Appeals which shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments. Three members of the Board shall be selected from among government officials in the city other than those in charge of assessment and they shall serve without additional compensation. The two other members shall be selected from among property owners in the city and they shall each receive compensation of ten pesos for each day of session actually attended. The chairman of the board shall be designated in the appointment and shall have the power to designate any city official or employee to serve as the secretary of the board without additional compensation.

The members of the Board of Tax Appeals shall hold office for a term of two years unless sooner removed by the President of the Philippines.

SEC. 39. *Oath to be taken by members of the Board of Tax Appeals.*—Before organizing as such, the members of the Board of Tax Appeals shall take the following oath before the municipal judge or some other officer authorized to administer oaths:

“I do solemnly swear (or affirm) that I will hear and determine well and truly all matters and issues between taxpayers and the city assessor submitted for my decision. So help me God. (In case of affirmation the last four words to be stricken out).

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(Signature)

*Member of the Board of Tax Appeals*”

“Subscribed and sworn to (or affirmed) before me  
this ..... day of ....., 19.....

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(Signature and title of officer  
administering oath)

SEC. 40. *Proceedings before Board of Tax Appeals and the Department Head.*—The Board of Tax Appeals shall hold such number of session as may be authorized by the Secretary of Finance, shall hear all appeals duly transmit-

ted to it, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been perfected by order signed by the board or a majority thereof, and transmit it to the city assessor who shall amend the tax in conformity with said order. It shall also have power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessments and state the true valuation, in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the Board of Tax Appeals before any reassessment or revaluation is made. The decision of the Board of Tax Appeals shall be final unless the Department Head declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such revision when approved by the President of the Philippines shall be final.

SEC. 41. *Taxes on real estate—Extension and remission of the tax.*—A tax, the rate of which shall not exceed two *per centum ad valorem* to be determined by the municipal board, shall be levied annually on or before the second Monday of January on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for any year shall be due and payable annually on the first day of June and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

Such lien shall be superior to all other liens, mortgages or circumstances of any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the Municipal Board simultaneously with the rate *per centum of ad valorem* taxation: *Provided*, That the time limit for the first and second installments shall be set at not later than the thirty-first day of May and the thirtieth day of October of each year, respectively.

Any person, who on the last day set for the payment of the real estate tax as provided in the preceding paragraphs, shall be within the premises of the City Hall willing and ready to pay the tax but is unable to effect it on account of

the large number of taxpayers therein present, shall be furnished properly prescribed card which will entitle him to pay the tax without penalty on the following day.

The words paid "under protest" shall be written upon the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation in writing of an oral protest shall be made within thirty days.

At the expiration of the time for the payment of the real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency, to the payment of a penalty at the rate of two *per centum* for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in this Act: *Provided*, That in no case shall the total penalty exceed twenty-four *per centum* of the original tax due.

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason, the municipal board may, by resolution passed on or before the thirty-first day of December of such year, extend the time for the collection of the tax on real estate in the City of Dagupan for a period not to exceed three months, or remit wholly or in part the payment of the tax or penalty for the ensuing year, but such resolution shall have to specify clearly the grounds for such extension or remission and shall not take effect until it shall have been approved by the Department Head.

The President of the Philippines may, in his discretion, remit or reduce the real estate taxes for any year in the City of Dagupan if he deems this to be in the public interest.

SEC. 42. *Seizure of the personal property for delinquency in payment of the tax.*—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer, or his deputy, if he desires to compel payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall be sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and those proceedings may be carried out by the city treasurer, his

deputy, or any other office authorized to carry out legal proceedings.

SEC. 43. *Personal property exempt from seizure and sale for delinquency.*—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax:

(a) Tools and implements necessarily used by the delinquent in his trade or employment.

(b) One horse, or cow or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in ordinary occupation.

(c) His necessary clothing and that of his family.

(d) Household furniture and utensils necessary for housekeeping and used for that purpose by the delinquent, such as he may select of a value not exceeding one hundred pesos.

(e) Provisions for individual or family use sufficient for four months.

(f) The professional libraries of lawyers, judges, clergyman, physicians, engineers, school-teachers, and music teachers, not exceeding five hundred pesos in value.

(g) The fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

(h) Any article or material which forms part of a home or of any improvement on any real estate.

SEC. 44. *The owner may redeem personal property before sale.*—The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense, of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 45. *Sale of seized personal property.*—Unless redeemed as hereinbefore provided, the property seized through proceedings under section forty-four hereof, shall after due advertisement, be exhibited for sale at public auction and so much of the same as shall satisfy the tax, penalty, and cost of seizure and sale shall be sold to the highest bidder. The purchaser at such sale shall acquire an indefeasible title to the property sold.

The advertisement shall state the time, place and cause of sale, and be posted for ten days prior to the date of the auction, at the main entrance of the City Hall and at a public and conspicuous place in the district where the property was seized.

The sale shall take place, at the discretion of the city treasurer or his deputy, either at the main entrance of the City Hall or at the district where such property was seized. If no satisfactory bid is offered in the aforementioned districts another auction shall be had, upon notice published anew.

SEC. 46. *Return of officer—Disposal of surplus.*—The officer directing the sale under the preceding section shall forthwith make return of his proceedings, and note thereof shall be made by the city treasurer upon his records. Any surplus resulting from the sale, over and above the tax, penalty and cost, and any property remaining in possession of the officer, shall be returned to the taxpayer on account of whose delinquency the sale has been made.

SEC. 47. *Vesting title to real estate in city government.*—Upon the expiration of one year from the date on which the taxpayer became delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interest in and to the real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for hereinbelow: *Provided*, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

SEC. 48. *Redemption of real estate before seizure.*—At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of the publication of the advertisement provided for in the next succeeding section, the owner or his lawful representative, or any person having any lien, right, or any other legal or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: *Provided*, That the person exercising the right of redemption shall not require a title to said property better than that of the original owner prior to the seizure.

SEC. 49. *Notice of seizure of real estate.*—Notice of seizure of the real estate shall be given by posting notices at the main entrance of the City Hall, the provincial building and all the municipal buildings in the Province



of Pangasinan, in English and Spanish and in the dialect commonly used in the locality. A copy of said notice shall also be posted on the property subject to seizure. Such notices shall state the names of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each, and shall state that unless such taxes and penalties are paid within ninety days from the date of the publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 50. *Ejectment of occupants of seized property.*—After the expiration of ninety days from the date of the publication of the notice of delinquency provided for in the next preceding section, the city treasurer, or his deputy, may issue to the Mayor or to other officers authorized by law to execute and enforce the laws a certificate describing the parcel of real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants there. Upon receiving such certificate, the Mayor or any other officer authorized to enforce the law, shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: *Provided, however,* That if the property so seized is or includes, a residential home, the occupant thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejectment, to vacate the premises.

SEC. 51. *Redemption of real property before sale.*—After the title to the property shall have become vested in the city government in the manner provided for in sections forty-seven and forty-nine hereof, and at any time prior to the sale or contract of sale by the city treasurer to a third party, the original owner or his legal representative or any person having any lien, right, or other legal interest or equity in said property, shall have the right to redeem the entire property in question, by paying the full amount of taxes and penalties due thereon at the time of the seizure, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to said lease: *Provided,* That the payment of the prices of sale may, at the discretion of the purchaser, be made in installments, extending over a period not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less than twenty-five *per centum* of the entire sum due,

and shall in no case be less than two pesos, unless the total or the balance of the amount due on all seized property in the name of the taxpayer is less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: *Provided, however,* That the original owner of any real estate seized prior to the approval of this Act, who redeems the same within six months subsequent to its approval, is hereby released from any obligation he may have to the Government for rent for the use of such property: *Provided, finally,* That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the approval of this Act.

SEC. 52. *Notice of sale of real estate at public auction.*—At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting a notice for three consecutive weeks at the main entrance of the City Hall and of all the municipal buildings of the province, in either English or Spanish, and in the dialect commonly used in the locality, and by publishing the same once a week during three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and the location by district and street and the street number and district or barrio where the real estate to be sold is located.

SEC. 53. *Sale of real estate—Conditions.*—At any time during the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties to the

city treasurer or his deputy. Otherwise the sale shall proceed and shall be held either at the main entrance of the City Hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The payment of the sale price may, at the opinion of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale, and each subsequent payment shall not be less than twenty-five *per centum* of the sale price, and shall in no case be less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupant of the property, in accordance with the procedure prescribed in section fifty of this Act.

The city treasurer or his deputy shall make a report of the sale to the municipal board within five days after the sale and shall make the same appear on its records. The purchaser at this sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the condition of payment, the amount paid, and the exact amount of the taxes and penalties.

SEC. 54. *Redemption of real estate after sale.*—Within one year from and after the date of sale, the delinquent taxpayer or any other person in his behalf, shall have the right to redeem the property sold by paying to the city treasurer or his deputy the amount of the taxes, penalties, costs and interest at the rate of twelve *per centum* per annum on the purchase price, if paid in whole, or on any portion thereof as may have been paid by the purchasers, and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, stating that he has thus redeemed the property, and the city treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve

*per centum per annum*, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

SEC. 55. *Execution of deed of final sale.*—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have paid the total purchase price, the city treasurer, as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens or encumbrances of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representatives.

SEC. 56. *Taxes and penalties which shall be paid upon redemption or repurchase.*—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of the failure to pay which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the Government.

SEC. 57. *Taxes—Legal Procedure.*—(a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Charter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

(c) No court shall entertain any suit assailing the validity of the tax sale of land under this Charter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen *per centum per annum* upon the sum from the date of sale to the time of instituting the suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale, if the deed is declared invalid, and shall be returned to the depositor, should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale, or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

ARTICLE XI.—*Tax Allotments and Special Assessment for Public Improvements*

SEC. 58. *Allotment of internal revenue and other taxes.*—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred and sixty-six, and other taxes collected by the National Government and allotted to the various provinces, as well as the National aid for schools, Dagupan City shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 59. *Power to levy special assessments for certain purposes.*—The Municipal Board may, by ordinance, provide for the levying and collection, by special assessment of the lands comprised within the district or section of the city specially benefitted, of a part not to exceed sixty *per centum* of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

In case of national public works the Municipal Board as an agency of the National Government shall, when the President of the Philippines so direct it, provide for the levying and collection by special assessment of the lands within the section or district of the city specially benefitted of the cost or part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, or deepening, or otherwise, repairing, enlarging, or improving national roads and other national public works within the city, including the cost of acquiring the necessary land and improvements therein.

SEC. 60. *Property subject to special assessment.*—All lands comprised within the district or section benefitted, except those owned by the Republic of the Philippines shall be subject to the payment of the special assessment.

SEC. 61. *Basis of apportionment.*—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in books of the city assessor. If the property has not been declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 62. *Ordinance levying special assessment.*—The ordinance providing for the levying and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment the limits whereof shall be stated by metes and bounds if practicable, and by other reasonable accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate *per centum* for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of this city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It shall be the duty of the city engineer to make the plans, specifications, and estimates of the public work contemplated to be undertaken.

SEC. 63. *Publication of proposed ordinance levying special assessment.*—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect if there be any, and in default of such local paper, in any newspaper of general circulation in the city. The said ordinance in English, Spanish, and the local dialect shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is constructed or contemplated to be constructed.

The secretary of the Municipal Board shall, on application, furnish a copy of the proposed ordinance to each land owner affected, or his agent, and shall, if possible, send to all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 64. *Protest against special assessment.*—Not later than ten days after the last publication of the ordinance and list of land owners, as provided in the preceding section,

the land owners affected, if they compose a majority and represent more than one-half of the total assessed value of said lands, may file with the Municipal Board a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 65. *Hearing of protest.*—The Municipal Board shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all land owners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidence presented by the land owners interested or their attorney shall be attached to the proper records. After the hearing, the Municipal Board shall either modify its ordinance or approve it *in toto* and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for two consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Act shall be observed.

SEC. 66. *When ordinance is to take effect.*—Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 67. *Appeals.*—Any time before the ordinance providing for the levying and collection of special assessment becomes effective in accordance with the preceding section, appeals from such special assessment may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the city. In all cases the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone representing more than one-half

of the total assessed value of the lands affected. The appellant or appellants shall immediately give the board a written notice of the appeal, and the secretary of said Board shall, within ten days after receipt of the notice of appeal forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the Board relative to the proposed special assessment and all the documents in connection therewith.

SEC. 68. *Decision of the appeal.*—Only appeals made within the time and in the manner prescribed in this Act shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 69. *Fixing of amount of special assessment.*—As soon as the ordinance is in full force and effect, the city treasurer shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each of such landowners a written notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the amount of the unpaid annual installments which are still to be collected from each landowner affected, and, in all cases, he shall give notice of such rectifications to the parties interested.

SEC. 70. *Payment of special assessment.*—All sums due from any landowner or owners as the result of any action taken pursuant to this Act shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they are assessed, constitute special liens on said land, with the sole exception of the lien for the non-payment of the ordinary real property tax. If, upon recomputation of the amount of special assessment in accordance with the next preceding section, it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the landowner shall have one year within which to pay without penalty the amount still



due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 71. *Disposition of proceeds.*—The proceeds of the special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessments were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections made by him from special assessment levies from national public works.

#### ARTICLE XII.—*City Budget*

SEC. 72. *Annual budget.*—At least four months before the beginning of each fiscal year, the city treasurer shall present to the Mayor a certified detailed statement by department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by section eighteen of this Charter, the Mayor shall formulate and submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditure for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: *Provided, however,* That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipt submitted by the city treasurer as provided above.

SEC. 73. *Supplemental budget.*—Supplemental budget formulated in the same manner may be adopted when special or unforeseen circumstances make such action necessary.

SEC. 74. *Failure to enact an appropriation ordinance.*—Whenever the board fails to enact an appropriation ordinance for any fiscal year before the end of the previous fiscal year the several sums appropriated in the last appropriation ordinance for the objects and purposes therein specified, so far as they may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance, and shall go into effect on the first day of the new fiscal year as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

ARTICLE XIII.—*The Municipal Court*

SEC. 75. *Regular, auxiliary and acting judges of municipal courts.*—There shall be a municipal court for the City of Dagupan for which there shall be appointed a municipal judge and an auxiliary municipal judge.

The municipal judge may, upon proper application be allowed a vacation of not more than thirty days every year with salary. The auxiliary municipal judge shall discharge the duties in case of absence, incapacity or inability of the municipal judge until he assumes his post, or until a new judge shall have been appointed. During his incumbency the auxiliary municipal judge shall enjoy the powers, emoluments and privileges of the municipal judge who shall not receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Act.

In case of absence, incapacity or inability, of both the municipal judge and the auxiliary municipal judge, the Secretary of Justice shall designate the justice of the peace of any of the adjoining municipalities to preside over the municipal court, and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office, or until another judge shall have been appointed in accordance with the provisions of this Act. The justice of the peace so designated shall receive his salary as justice of the peace plus seventy per cent of the salary of the municipal judge whose office he has temporarily assumed.

The municipal judge shall receive a salary of not exceeding three thousand six hundred pesos *per annum*.

SEC. 76. *Clerk and employees of the municipal court.*—There shall be a clerk of the municipal court who shall be appointed by the Mayor in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance, approved by the Secretary of the Interior, at not exceeding one thousand two hundred pesos *per annum*. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oath.

The clerk of the municipal court shall at the same time be sheriff to the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs.

The municipal board may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

SEC. 77. *Jurisdiction of Municipal Court.*—The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law. It shall have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and *estafa* where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary investigation for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 78. *Incidental powers of Municipal Court.*—The municipal court shall have power to administer oaths and to give certificates thereof; to issue summonses, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by law; and to require of any person arrested a bond for good behavior or to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made with sufficient surety or sureties to be approved by said court.

SEC. 79. *Procedure in Municipal Court in prosecutions for violations of law and ordinances.*—In a prosecution for the violation of any ordinance, the first process shall be a summon; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinances of the city in such cases made and provided." All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleadings, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court

and its officers in all cases insofar as the same may be applicable.

SEC. 80. *Cost, fees, fines and forfeitures in Municipal Court.*—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The municipal judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines, and forfeiture have been duly accounted for.

SEC. 81. *No person sentenced by Municipal Court to be confined without commitment.*—No person shall be confined in prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

SEC. 82. *Procedure on appeal from Municipal Court to Court of First Instance.*—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock post meridian of the fifteenth day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and processes in the case. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial *de novo* upon its merits as though the same had never been tried. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the judge of the Court of First Instance, upon sufficient bail

in accordance with the procedure in force, to await the judgment of the appellate court.

Appeals in civil cases shall be governed by the ordinary procedure established by law.

ARTICLE XIV.—*Bureaus Performing Municipal Duties*

SEC. 83. *General Auditing Office—City Auditor.*—The City Auditor, under the supervision of the Auditor General, shall receive and audit all accounts of the City, in accordance with the provisions of law relating to government accounts and accounting. He shall be appointed by the Auditor General and shall receive a salary of three thousand six hundred pesos per annum, payable from the funds of the City.

SEC. 84. *The Division of Purchase and Supply.*—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate for the use of the city and its departments and offices. But contracts for completed work of any kind for the use of the city, or any of its departments or offices, involving both labor and materials, where the materials are furnished by the contractor, shall not be deemed to be within the purview of this section.

SEC. 85. *The Bureau of Education.*—The Director of Bureau of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines and the division superintendent of schools for the Province of Pangasinan shall have all the powers and duties in respect to the schools of the city as are vested in division superintendent in respect to schools of their divisions.

A city school board of six members, two of whom shall be women and who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in the municipalities.

The Municipal Board shall have the same powers in respect to the establishment of schools as are conferred by law on municipal councils.

SEC. 86. *Reports to the Mayor concerning schools—Construction and custody of school buildings.*—The division superintendent of schools shall make a quarterly report of the condition of the school and school buildings of the City of Dagupan to the Mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, and all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the

schools or school buildings of the city. The city school board shall make a similar annual report to the Mayor.

**SEC. 87. *The City Health Officer—His salary, powers and duties.***—There shall be in the City of Dagupan a city health officer. He shall have a salary of not exceeding three thousand pesos *per annum*. The city health officer shall have the following general powers and duties:

(a) He shall have general supervision over the health and sanitary conditions of the city.

(b) He shall execute and enforce all laws, ordinances and regulations relating to the public health.

(c) He shall recommend to the Municipal Board the passage of such ordinance as he may deem necessary for the preservation of the public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspections and may be aided therein by such members of the police force of the city or of the national police as shall be designated as sanitary police by the chief of police or proper national police officer and such sanitary inspector as may be authorized by law.

(f) He shall keep a civil register for the city and record there all births, marriages, and deaths with their respective dates.

(g) He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health shall direct.

#### ARTICLE XV.—*Transitory Provisions*

**SEC. 88. *Change of government.***—The city government provided for in this Charter shall be organized on such a date as may be fixed by the President of the Philippines and upon the qualification of the City Mayor and the appointment or election of the members of the Municipal Board. Pending the next general election for provincial and municipal officials, the offices of the members of the Municipal Board shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments.

**SEC. 89. *Representative District.***—Until otherwise provided by law, the City of Dagupan shall continue as part of the second representative district of the Province of Pangasinan.

#### ARTICLE XVI.—*Effectivity of the Act*

**SEC. 90.** This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1275

[REPUBLIC ACT No. 171]

AN ACT TO AMEND SECTION FORTY-SEVEN AND  
SUBSECTION (b) OF SECTION ONE HUNDRED  
EIGHTY-FOUR OF ACT NUMBERED TWENTY-  
FOUR HUNDRED AND TWENTY-SEVEN OTHER-  
WISE KNOWN AS "THE INSURANCE ACT."

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section forty-seven of Act Numbered Twenty-four hundred and twenty-seven of the Philippine Legislature, otherwise known as "The Insurance Act" is hereby amended to read as follows:

"SEC. 47. Whenever a right to rescind a contract of insurance is given to the insurer by any provision of this chapter, such right must be exercised previous to the commencement of an action on the contract.

After a policy of life insurance made payable on the death of the insured shall have been in force during the lifetime of the insured for a period of two years, the insurer cannot prove that the policy is *void ab initio* or is rescindable by reason of the fraudulent concealment or misrepresentations of the insured or his agent."

SEC. 2. Subsection (b) of section one hundred eighty-four of the same Act is hereby amended to read as follows:

"(b) A provision that the policy shall be incontestable after it shall have been in force during the lifetime of the insured for a period of two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war."

SEC. 3. This Act shall take effect upon its approval, and shall be applicable to all existing contract of life or endowment insurance.

Approved, June 20, 1947.

H. No. 1170

[REPUBLIC ACT No. 172]

AN ACT TO AMEND ARTICLES ONE HUNDRED  
EIGHTY-EIGHT AND ONE HUNDRED EIGHTY-  
NINE OF ACT NUMBERED THIRTY-EIGHT HUN-  
DRED AND FIFTEEN, OTHERWISE KNOWN AS  
THE REVISED PENAL CODE, AND FOR OTHER  
PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Article one hundred eighty-eight of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 188. *Substituting and altering trade-marks, trade-names, or service marks.*—The penalty of *prisión correccional* in its minimum period or a fine ranging from 500 to 2,000 pesos, or both, shall be imposed upon:

"1. Any person who shall substitute the trade-name or trade-mark of some other manufacturer or dealer or a colorable imitation thereof, for the trade-name or trade-mark of the real manufacturer or dealer upon any article of commerce and shall sell the same;

"2. Any person who shall sell such articles of commerce or offer the same for sale, knowing that the trade-name or trade-mark has been fraudulently used on such goods as described in the preceding subdivision;

"3. Any person who in the sale or advertising of his services shall use or substitute the service mark of some other person, or a colorable imitation of such mark; or

"4. Any person who, knowing the purposes for which the trade-name, trade-mark, or service mark of a person is to be used, prints, lithographs, or in any way reproduces such trade-name, trade-mark, or service mark, or a colorable imitation thereof, for another person, to enable that other person to fraudulently use such trade-name, trade-mark, or service mark on his own goods or in connection with the sale or advertising of his services.

"A trade-name or trade-mark as herein used is a word or words, name, title, symbol, emblem, sign, or device, or any combination thereof used as an advertisement, sign, label, poster or otherwise, for the purpose of enabling the public to distinguish the business of the person who owns and uses said trade-name or trade-mark.

"A service mark as herein used is a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others and includes without limitation the marks, names, symbols, titles, designations, slogans, character names, and distinctive features of radio or other advertising."

SEC. 2. Article one hundred eighty-nine of Act Numbered Thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 189. *Unfair competition, fraudulent registration of trade-name, trade-mark, or service mark, fraudulent designation of origin, and false description.*—The penalty



provided in the next preceding article shall be imposed upon:

"1. Any person who, in unfair competition and for the purpose of deceiving or defrauding another of his legitimate trade or the public in general, shall sell his goods giving them the general appearance of goods of another manufacturer or dealer, either as to the goods themselves, or in the wrapping of the packages in which they are contained, or the device or words thereon, or in any other feature of their appearance which would be likely to induce the public to believe that the goods offered are those of a manufacturer or dealer other than the actual manufacturer or dealer, or shall give other persons a chance or opportunity to do the same with a like purpose.

"2. Any person who shall affix, apply, annex, or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation, and shall sell such goods or services.

"3. Any person who, by means of false or fraudulent representations or declarations, orally or in writing, or by other fraudulent means shall procure from the patent office or from any other office which may hereafter be established by law for the purposes, the registration of a trade-name, trade-mark, or service mark, or of himself as the owner of such trade-name, trade-mark, or service mark, or an entry respecting a trade-name, trade-mark, or service mark."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1282

[REPUBLIC ACT No. 173]

AN ACT TO AMEND SECTION TWO HUNDRED AND SIXTY-SIX OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX, KNOWN AS THE NATIONAL INTERNAL REVENUE CODE, RELATIVE TO CHARGES COLLECTIBLE ON FOREST PRODUCTS GATHERED FROM UNREGISTERED PRIVATE LANDS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section two hundred and sixty-six of Act Numbered Four hundred sixty-six, known as the National Internal Revenue Code, is hereby amended to read as follows:

"SEC. 266. *Charges collectible on forest products cut, gathered and removed from unregistered private lands.*—The charges above prescribed shall be collected on all forest

products cut, gathered and removed from any private land the title to which is not registered with the Director of Forestry as required by the Forest Law: *Provided, however,* That in the absence of such registration, the owner who desires to cut, gather and remove timber and other forest products from such land shall secure a license from the Director of Forestry in accordance with the Forest Law and regulations. The cutting, gathering and removing of timber and other forest products from said private lands without license shall be considered as unlawful cutting, gathering and removing of forest products from public forests and shall be subject to the charges prescribed in such cases in this chapter."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1289

[REPUBLIC ACT No. 174]

AN ACT TO AUTHORIZE THE PRINTING AND ISSUANCE OF SEMI-POSTAL STAMPS FOR THE REHABILITATION OF THE NATIONAL LIBRARY.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. To raise funds for the rehabilitation of the National Library, the various collections of which were practically wiped out during the war, the Director of Posts, subject to the approval of the Department Head, is hereby authorized to order the printing and issuance of semi-postal stamps with a face value showing the regular postage charge plus the additional amount destined for the purpose for which issued. The additional amount realized from the sale of these semi-postal stamps shall be deposited with the National Treasurer or his deputies, to be disbursed in favor of the special fund for which the stamps were issued, subject to the usual accounting and auditing regulations.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1291

[REPUBLIC ACT No. 175]

AN ACT TO AMEND THE LAST PARAGRAPH OF SECTIONS TWO AND NINE, OF ACT NUMBERED THIRTY-THREE HUNDRED AND SEVENTY-SEVEN, ENTITLED "AN ACT TO PROVIDE FOR THE PROMOTION OF AGRICULTURAL AND VOCATIONAL EDUCATION; TO PROVIDE FOR COÖPERATION WITH PROVINCES, CITIES, AND

MUNICIPALITIES IN THE PROMOTION OF SUCH EDUCATION IN AGRICULTURE, COMMERCE, TRADES, AND INDUSTRIES; TO PROVIDE FOR COÖPERATION WITH THE UNIVERSITY OF THE PHILIPPINES AND OTHER INSULAR INSTITUTIONS IN THE PREPARATION OF TEACHERS OF VOCATIONAL SUBJECT; TO APPROPRIATE FUNDS AND REGULATE THEIR EXPENDITURES, AND FOR OTHER PURPOSES," AND TO INSERT A NEW SECTION IN SAID ACT TO BE KNOWN AS SECTION ELEVEN-A.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The last paragraph of section two, and section nine, of Act Numbered Thirty-three hundred and seventy-seven are hereby amended to read as follows:

"SEC. 2.                   \*                   \*                   \*                   \*                   \*

"The Director of Education, subject to the approval of the Secretary of Public Instruction, shall pay out of the funds specified in subsections (b), (c) and (e) of the preceding paragraph of this section and for the purposes therein enumerated, such amounts as are needed in this appropriation. The allotment shall be distributed in proportion to the respective needs of the agricultural and vocational schools organized under this Act. Of the sum specified in subsection (a) an amount equal to two times the sum appropriated and made available by a province, city, or municipality petitioning for aid, shall be allotted: *Provided, however,* That if the sum herein appropriated is not sufficient for all provinces, cities, and municipalities petitioning for aid, the following order of preference shall be observed: provinces, municipalities, cities: *And provided, further,* That among each class, the date and time of filing applications shall govern in determining such preference.

"SEC. 9. Any vocational school originally established, to be established, and/or continued under the provisions of this Act may collect tuition fees not exceeding the tuition fees charged students in the general high school of the province, city, or municipality, whenever the provincial, city, municipal and/or National funds set aside for the school are not sufficient for its maintenance and operation."

SEC. 2. Act Numbered Thirty-three hundred and seventy-seven is amended by inserting between sections eleven and twelve thereof a new section to be known as section eleven-A, which shall read as follows:

"SEC. 11-A. All school income shall be set aside as a special trust fund of each vocational school, to be disposed of for the benefit of the school as the school authorities may

deem fit, all existing rules and regulations to the contrary notwithstanding."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1300

[REPUBLIC ACT NO. 176]

AN ACT TO CREATE A NATIONAL COMMISSION ON  
EDUCATIONAL, SCIENTIFIC AND CULTURAL  
MATTERS.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. There is hereby created a National Commission on Educational, Scientific and Cultural matters, hereinafter referred to as the "Commission," to be composed of not more than fifteen members as the President of the Philippines may from time to time appoint with the consent of the Commission on Appointments of the Congress of the Philippines. Government officials designated to serve in the Commission shall serve without additional compensation, but private citizens appointed to sit in the Commission shall receive actual subsistence and traveling expenses from their residence to the meetings of the Commission and return, as well as such *per diems* for each day of session of the Commission or any of its committees or subcommittees actually attended by them in such amount as may be determined by the President. The Commission shall, for administrative purposes, be under the Office of the President of the Philippines.

SEC. 2. The Commission shall have the following powers and duties:

1. To meet as frequently as possible, but at least once quarterly, on such date or dates which it may designate.

2. To act in an advisory capacity to the Government of the Philippines as well as to its delegations to the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in matters relating to the Organization; function as an agency of liaison between the Government of the Philippines and the United Nations Educational, Scientific and Cultural Organization; and to associate the principal bodies in the Philippines interested in educational, scientific and cultural matters with the work of the Organization, in accordance with Article VII of the Constitution of the aforesaid Organization accepted by Joint Resolution Numbered Three of the Congress of the Philippines of October seventeen, nineteen hundred and forty-six.

3. To call annual or biennial general conferences on educational, scientific and cultural matters in which all national voluntary organizations actively interested in such matters shall be invited to send representatives: *Provided, however,* That no representative to the conference shall represent more than one organization. Such conferences shall be attended so far as possible by the members of the National Commission and by the delegates of the Philippines to the General Conference of the UNESCO.

4. To study and report on such educational, scientific and cultural matters as may from time to time be submitted to its consideration by the President of the Philippines.

SEC. 3. The Commission shall, with the approval of the President, designate from among its members an Executive Committee, and shall divide itself into three permanent Committees, namely: the Educational, Scientific and Cultural Committees. Each committee, in turn, may subdivide itself into as many subcommittees as it may deem necessary for the division of its work. In the selection of the members of each committee or subcommittee, due account shall be taken of the professional skill and experience of the individual members of the Commission.

SEC. 4. The Educational Committee shall undertake all work of the Commission dealing with education, and specifically:

1. To study and make recommendations concerning reforms in the present system of public and private education in the Philippines in conformity with the educational objectives laid down in the Constitution and as may be justified by the changed or changing political and economic conditions.

2. To advise the President on basic educational policies with a view not only to formulating an integrated educational pattern for the whole country but also to coördinate our educational scheme with such educational standards as may be set up by the United Nations Educational, Scientific and Cultural Organization.

3. To conduct studies, investigations and surveys in all phases of vocational education, the results of which shall serve to guide the Government in formulating policies with respect to the development of the different trades and industries of the country. Such studies, investigations and surveys shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits

and requirements upon commercial workers; home management, domestic science and the study of related facts and principles and problems of administration of vocational schools, and of courses of study and instruction in vocational subjects.

SEC. 5. The Scientific Committee shall undertake all work of the Commission relating to science, and specifically:

1. To study and recommend a well-planned economy for the country designed to coördinate all available power resources and to meet all possible national requirements.

2. To consolidate and report on the advances of modern science and technology so as to make them available to the Government and people of the Philippines.

3. To encourage scientific inventions and discoveries and to conduct experiments and investigations with a view to contributing to the general progress in all fields of science.

4. To conduct studies and researches in the fields of natural science, social science, philosophy and humanistic studies with a view to the ultimate advancement of mankind, in general, and of the Filipino race in particular.

SEC. 6. The Cultural Committee shall undertake all work of the Commission relating to cultural matters, and specifically:

1. To study and recommend the national policy to be observed for the unfettered dissemination of information through the media of mass communication, such as the press, movies, radio and television.

2. To initiate and carry out studies and researches into the ancient culture of the Filipinos and stimulate the revival of such distinctive customs as are compatible with the demands of the modern age and the prevailing world morality.

3. To encourage and promote the creative arts, such as creative literature, literary criticism, music, theatre, dance, painting, sculpture, the graphic arts, photography, motion picture, architecture, decorative arts, industrial design, handicrafts, display lay-out and typography.

4. To foster cultural missions to and from the Philippines, and the dissemination of correct information about the Philippines and the Filipino people.

SEC. 7. The amount of one hundred thousand pesos or so much thereof as might be necessary is hereby appropriated to carry out the purposes of this Act.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 20, 1947.

H. No. 1304

[REPUBLIC ACT NO. 177]

## AN ACT TO CREATE THE BUREAU OF FISHERIES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. There is hereby created under the Department of Agriculture and Commerce an office to be known as the Bureau of Fisheries.

SEC. 2. The Bureau of Fisheries shall have one chief who shall be known as the Director of Fisheries, to be appointed by the President with the consent of the Commission on Appointments of the Congress and shall receive a compensation of seven thousand two hundred pesos per annum. Subject to the general supervision and control of the Secretary of Agriculture and Commerce, the Director of Fisheries shall possess the powers generally conferred upon Bureau Chiefs.

There shall be in the said Bureau such experts and other officials and employees to be appointed by the Secretary of Agriculture and Commerce as may be required to carry out the purposes of this Act and of the Fisheries Act.

SEC. 3. The divisions, sections, field districts, experimental stations, and all activities and agencies of the National Government connected with fishery work are hereby transferred to the Bureau of Fisheries, and such powers, functions, and duties relative to fisheries vested by law or executive orders in such divisions, sections, field districts, experimental stations, and other fishery agencies, are hereby transferred to the Director of Fisheries.

The Director of Fisheries shall, subject to the approval of the Secretary of Agriculture and Commerce, organize its personnel into such divisions or sections as will insure maximum efficiency.

SEC. 4. The Director of Fisheries shall have the following powers, duties, and functions:

(a) To supervise and control the demarcation, protection, management, development, reproduction, occupancy, and use of all public fishery reserves and national and municipal fisheries and fishery reservations.

(b) To issue, in accordance with law, licenses or permits for the removal or taking of aquatic products and to suspend or revoke the same for cause.

(c) To carry out the provisions of this Act and all other laws pertaining to the supervision, administration, and disposition of aquatic resources and all rules and regulations promulgated thereunder.

(d) To increase and conserve the fishery resources of the Philippines by: studying the life cycle of fishes; establishing hatcheries; and protecting the spawning or breeding grounds of fishes.

(e) To conduct studies of fishing practice and methods relative to the protection of the aquatic resources, economy of operation, prevention of waste and disseminate the results and information on appropriate bulletins or circulars.

(f) To conduct a demonstration service to acquaint the people with the various modern methods of fishing. For this purpose, a fishing vessel shall be duly equipped and go from place to place.

(g) To make a survey of the fishing areas, fishing banks and fisheries of the Philippines and maintain an adequate collection of commercial fishes and other aquatic products of the Philippines.

(h) To collect and disseminate information and conduct investigations concerning oceanography, fishery administration and operation, the utilization of fishery products and the establishment of fishery industries.

(i) To prepare, with the approval of the Secretary of Agriculture and Commerce, forms, instructions, rules and regulations consistent with law.

(j) To promote further the development of the fishing industry in the Philippines.

(k) Personally or by his duly authorized representatives to make arrest without warrant any person committing or attempting to commit an offense against the provisions of the Fisheries Act; and, to make seizures of products liable to seizure under said Act or under the provisions of any other law on fisheries and fishery products. The property seized may be delivered to the nearest municipal treasurer and held subject to orders of the Director of Fisheries or the person acting in his stead.

(l) Personally or by his duly authorized representatives, to administer oaths and take acknowledgment in matters of official business; issue *subpœnas* and take testimony in official investigations authorized by law.

(m) To make investigations concerning the nature, organization and resources of the business of all persons engaged in the fishing industry.

SEC. 5. Any person who fails or refuses to comply with the legal summons of the Director of Fisheries or the person duly authorized by him or who refuses to be sworn prior to his testimony or who refuses to answer pertinent questions, or gives or furnishes false or misleading data or information in an investigation made pursuant to subsections (l) and (m) of section four of this Act, shall be punished by a fine not to exceed one thousand pesos, or im-



prisonment not to exceed one year or both in the discretion of the court. If the false information or misleading data have been given under oath, the penalties prescribed by law for perjury shall be imposed.

SEC. 6. The sum of twenty-five thousand pesos or so much thereof as will be necessary to carry out the purposes of this Act is hereby appropriated.

The Division of Fisheries is hereby abolished and its activities, properties, equipment, records, assets and liabilities are transferred to the Bureau of Fisheries.

SEC. 7. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect on July first, nineteen hundred and forty-seven.

Approved, June 20, 1947.

H. No. 719

[REPUBLIC ACT No. 178]

AN ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED ONE HUNDRED FORTY-SIX, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT, SO AS TO INCREASE THE NUMBER OF COMMISSIONERS IN THE PUBLIC SERVICE COMMISSION AND TO CREATE AN OFFICE TO BE KNOWN AS THE OFFICE OF THE PEOPLE'S COUNSEL IN THE PUBLIC SERVICE COMMISSION.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Sections two, three, four, six, ten and thirty-eight of Commonwealth Act Numbered One hundred and forty-six, as amended, are hereby further amended to read as follows:

"SEC. 2. There is created a Commission which shall be designated and known as the Public Service Commission, composed of one Public Service Commissioner and two Associate Commissioners, and which shall be vested with the powers and duties hereafter specified. Whenever the word 'Commission' is used in this Act, it shall be held to mean the Public Service Commission, and whenever the word 'Commissioner' is used in this Act it shall be held to mean the Public Service Commissioner or either of the Associate Commissioners.

The Public Service Commissioner and the Associate Public Service Commissioners shall be citizens and residents of the Philippines, not under thirty years of age; members of the Bar of the Philippines, and shall be appointed by the President of the Philippines, with the

consent of the Commission on Appointments of the Congress of the Philippines."

"SEC. 3. The Commissioner and Associate Commissioners shall hold office until they reach the age of seventy years, or until removed in accordance with the procedure prescribed in section one hundred and seventy-three of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code. In case of the absence, for any reason, of the Public Service Commissioner, the Associate Commissioner with seniority of appointment shall act as Commissioner. If on account of absence, illness, or incapacity of any of the Commissioners, or whenever by reason of temporary disability of any Commissioner or of a vacancy occurring therein, the requisite number of Commissioners necessary to render a decision or issue an order in any case is not present, or in the event of a tie vote among the Commissioner, the Secretary of Justice may designate such number of Judges of the Court of First Instance, as may be necessary, to sit temporarily as Commissioners in the Public Service Commission.

"All the powers herein vested upon the Commission shall be considered vested upon any of the Commissioners, acting either individually or jointly as hereinafter provided. The Commissioners shall equitably divide among themselves all pending cases and those that may hereafter be submitted to the Commission, in such manner and form as they may determine, and shall proceed to hear and determine the cases assigned to each: *Provided, however,* That (1) all contested cases, (2) all cases involving the fixing of rates, and (3) all petitions for reconsideration of orders or decisions shall be heard by the Commission *in banc*, and the affirmative vote of at least two Commissioners shall be necessary for the promulgation of a decision or a noninterlocutory order: *And provided, further,* That in cases (1) and (2) the Commission may delegate the reception of the evidence to one of the Commissioners, who shall report to the Commission *in banc*, the evidence so received by him to enable it to render its decision."

"SEC. 4. The Public Service Commissioner shall receive an annual compensation of eleven thousand pesos; each of the Associate Commissioners an annual compensation of ten thousand pesos."

"SEC. 6. The Secretary of Justice, upon recommendation of the Public Service Commissioner, shall appoint a secretary of the Commission and such other officers and employees as may be provided in the Appropriation Act. The Public Service Commissioner shall have general executive control, direction, and supervision over the work of

the Commission and of its members, body and personnel, and over all administrative business."

"SEC. 10. The Commission shall have its office in the City of Manila at such place as may be designated, and may hold hearings on any proceedings at such times and places, within the Philippines, as it may provide by order in writing: *Provided*, That during the months of April and May of each year, one of the Commissioners shall be on duty and the other two Commissioners shall be on vacation in such manner that once every three years one of them shall be on duty during April and May: *Provided, however*, That in the interest of public service, the Secretary of Justice may require one or both of the other two Commissioners not on duty to render services and perform their duties during the vacation months.

"SEC. 38. The chief of the legal division or any other attorney of the Commission shall represent the same in all judicial proceedings. It shall be the duty of the Solicitor General to represent the Commission in any judicial proceeding if, for special reasons, the Commissioner shall request his intervention.

"There is hereby created under the administrative supervision of the Secretary of Justice an office to be known as the Office of the People's Counsel in the Public Service Commission. The People's Counsel shall have two assistants and such number of employees as may be necessary to perform the functions hereinafter specified. The People's Counsel and his assistants shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines. The employees of the Office of the People's Counsel shall be appointed by the Secretary of Justice upon recommendation of the People's Counsel.

"The People's Counsel and his assistants shall possess the qualifications of a provincial fiscal. The People's Counsel shall receive compensation at the rate of seven thousand two hundred pesos per annum, and the First and Second Assistant People's Counsels, at the rate of six thousand pesos per annum each.

"The People's Counsel, his assistants, and the employees of the Office of the People's Counsel shall not, during their continuance in office, intervene directly or indirectly in the management or control of, or be financially interested directly or indirectly in, any public service as defined in this Act.

"It shall be the duty of the People's Counsel (1) to institute proceedings before the Commission, in behalf of the public, for the purpose of fixing just and reasonable rates or charges to be followed and observed by public services as herein defined, whenever he has reason to believe that

the existing rates or charges of such public services are unjust and unreasonable or unjustly discriminatory; (2) to represent and appear for the public before the Commission or any court of the Philippines in every case involving the interests of users of the products of, or service furnished by, any public service under the jurisdiction of the Commission; (3) to represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates and services; (4) to investigate the service given by, the rates charged by, and the valuation of the properties of, the public services under the jurisdiction of the Commission, and such other matters relating to said public services as affect the interests of users of the products or service thereof, and to take all the steps necessary for the protection of the interests of the person or persons or of the public affected thereby. In connection with such investigation he is hereby empowered to issue *subpoena* or *subpoena duces tecum*.

"The People's Counsel is authorized to call upon and obtain such assistance as he may deem necessary in the performance of his duties from any officer or employee of any Department, Bureau, office, agency, or instrumentality of the Government, including corporations owned, controlled or operated by the Government."

SEC. 2. The term "Deputy Commissioner" appearing in sections five, twenty-nine and thirty-(c) of Commonwealth Act Numbered One hundred and forty-six is hereby amended to read "Associate Commissioners."

SEC. 3. The sum of eighty thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the National Treasury not otherwise appropriated for carrying out the purposes of this Act.

All balances of the sum herein appropriated remaining unexpended on June thirty, nineteen hundred and forty-eight, shall revert to the National Treasury and shall not be available for expenditure except pursuant to an appropriation by the Congress of the Philippines.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 609

[REPUBLIC ACT No. 179]

### AN ACT CREATING ORMOC CITY

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. This Act shall be known as the Charter of Ormoc City.

ARTICLE I—*General Provisions*

SEC. 2. *Territory of Ormoc City.*—Ormoc City which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Ormoc, in the Province of Leyte.

SEC. 3. *Corporate character of the city.*—Ormoc City constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal-corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. *Seal and general powers of the city.*—The city shall have a common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 5. *The city not liable for damages.*—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the Municipal Board, the Mayor, or any other city officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Municipal Board, Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 6. *Jurisdiction of the city.*—The jurisdiction of Ormoc City for police purposes shall be coextensive with its territorial jurisdiction, and shall extend to three miles from the shore into the Bay of Ormoc; and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of a reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

ARTICLE II—*The Mayor*

SEC. 7. *The Mayor—His appointment and compensation.*—The Mayor shall be the chief executive of the city. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office at the pleasure of the President.

He shall receive a salary of not exceeding four thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a net commutable allowance of not exceeding two thousand pesos per annum.

SEC. 8. *The Acting Mayor.*—In the event of sickness, absence, or other temporary incapacity of the Mayor, or in the event of a vacancy in the position of Mayor, the City Treasurer shall perform the duties of the Mayor until said office shall be filled in accordance with law. If, for any reason, the duties of the office of the Mayor cannot be performed by the City Treasurer, said duties shall be performed by the City Engineer. In case of the incapacity of the officials mentioned above to perform the duties of the Mayor the President shall appoint or designate one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed or designated is other than a government officials, he shall receive the same compensation.

SEC. 9. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the authority and supervision of the Secretary of the Interior. He shall have the following general powers and duties:

(a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.

(b) To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city, and subject to the provisions of this Charter, have control of all its properties.

(c) To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.

(e) To see that the executive officers and employees of the city properly discharge their respective duties.

(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city over whom he has executive supervision and control at least once a year, and whenever occasion arises. For this purpose he shall be provided by the Municipal Board with such clerical or other assistance as may be necessary.

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

(h) To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.

(i) To submit to the Municipal Board at least two months before the beginning of each fiscal year a budget of receipts and expenditures of the city.

(j) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.

(k) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.

(l) To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof.

(m) To take such emergency measures as may be necessary to avoid fires, floods, and the effect of storms and other public calamities.

(n) To submit an annual report to the Secretary of the Interior.

(o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos per annum.

The secretary shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the Mayor, and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and shall charge twenty centavos for each one hundred words including the certificate, such fees to be paid directly to the City Treasurer.

### ARTICLE III—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board—Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be

composed of the Mayor, who shall be its presiding officer, and eight councilors elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Election Code. In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

If any member of the Municipal Board should be candidate for office in any election, he shall be incompetent to act with the Board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance, or they may choose some disinterested elector of the city to act with the Board in such matters in his stead.

The members of the Municipal Board, who are not officers or employees of the Government receiving a fixed compensation or salary from public funds, shall receive ten pesos for each day of attendance on the session of the Board.

**SEC. 12. *Qualifications, election, suspension and removal of members of Board.***—The elective members of the Municipal Board shall be qualified electors of the city, residents therein for at least one year, and not less than twenty-three years of age. Upon qualifying, the members-elect shall assume office on the date fixed in the Election Code until their successors are elected and qualified.

If for any reason the election fails to take place on the date fixed by law, or such election results in a failure to elect one or more of the elective members, the President shall issue as soon as practicable a proclamation calling a special election to fill said office. Whenever the member-elect dies before assumption of office, or, having been elected, his election is not confirmed by the President for disloyalty, or such member-elect fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment. Vacancies in the office of elective members occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

The elective members of the Municipal Board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the Board.



SEC. 13. *Appointment, salary and duties of secretary of Board.*—The Board shall have a secretary who shall be appointed by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos per annum. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board—Ormoc City," and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board; shall cause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words including certificate, the fees to be paid directly to the City Treasurer and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 14. *Method of transacting business by the Board—Veto—Authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the Board shall hold one ordinary session for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary session, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Five members of the Board shall constitute a *quorum* for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measure shall prevail upon the majority votes of the members present at any meeting duly

called and held. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Board, signed by the presiding officer and the secretary of the Board and recorded in a book for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance to the City Hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution, or motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of six members of the Board, and again forwarded to the Mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the Secretary of the Interior for his approval or disapproval, which shall be final. The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items of which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

The Secretary of the Interior shall have full power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the Municipal Board if he finds said ordinance, resolution or motion or parts thereof, beyond the powers conferred upon the Board.

SEC. 15. *General powers and duties of the Board.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the Municipal Board shall have the following legislative powers:

(a) To provide for the levy and collection of taxes for general and special purposes in accordance with law including specifically the power to levy real property tax not to exceed two *per centum ad valorem*.

(b) To make all appropriations for the expenses of the government of the city.

(c) To fix with the approval of the Department Head the number and salaries of officials and employees of the city not otherwise provided for in this Act.

(d) To authorize with the approval of the Department Head the free distribution of medicines to the employees and laborers of the city whose salary or wage does not exceed sixty pesos per month or two pesos and fifty centavos per day; of fresh or evaporated native milk to indigent mothers residing in the city and of bread and light meals to indigent children of ten years or less of age residing in the city, the distribution to be made under the direct supervision and control of the Mayor.

(e) To fix the tariff of fees and charges for all services rendered by the city or any of its department, branches or officials.

(f) To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.

(g) To establish and maintain schools as provided by law and with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

(h) To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the vocational schools and in those higher institutions supported by the city.

(i) To establish and maintain an efficient police force and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes, and persons convicted of violating any of the ordinances of the city.

(j) To establish and maintain an official fire force and provide engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

(k) To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same,

and fix the fees for permits for the construction, repair, or demotion of buildings and structures.

(l) To regulate the use of lights in stables, shops, and other buildings and places and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, skyrockets, and other pyrotechnic display, and to fix the fees for such permits.

(m) To make regulations to protect the public from conflagration and to prevent and mitigate the effects of famine, floods, storms, and other public calamities, and provide relief for persons suffering from same.

(n) To regulate and fix the amount of the license fees for the following: Hawkers, peddlers and hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the hucksters or peddlers; auctioners, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, beauty parlors, massagists, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding houses, livery garages, livery stables, boarding stables, dealers in large cattle, public billiard tables, laundries, cleaning and dyeing establishments, public warehouses, circuses and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, slot machines, merry-go-rounds, pawnshop, dealers in secondhand merchandise, junk dealers, brewers, distillers, money changers and brokers, public ferries, theaters, theatrical performances, cinematographs, public exhibition and all other performances and places of amusements, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread, and other provisions.

(o) To tax and fix the license fees on dealers in new automobiles or accessories or both, and retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, those retail dealers shall be classified as (a) retail dealers in general merchandise, and (b) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods.

(p) To tax, fix the license fee for, regulate the business and fix the location of, match factories, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine.

petroleum, or any of the products thereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the rules and regulations issued by the Director of Health in accordance with law, tanneries, renderies, tallow chandleries, embalmers and funeral parlors, bone factories, and soap factories.

(*q*) To impose tax on motor and other vehicles, and draft animals not paying any national tax; provided, that all automobiles and trucks belonging to the National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the city shall be exempt from such tax.

(*r*) To regulate the method of using steam engines and boilers, and all other motive powers other than marine or belonging to the Government of the Philippines; to provide for the inspection thereof and for a reasonable fee for such inspection, and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(*s*) To enact ordinances for the maintenance and preservation of peace and good morals.

(*t*) To regulate and fix the license fees for the keeping of dogs, to authorize their impounding and destruction when running at-large contrary to ordinances, and to tax and regulate the keeping or training of fighting cocks.

(*u*) To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at-large of domestic animals, and provide for the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(*v*) To prohibit and provide for the punishment of cruelty to animals.

(*w*) To regulate the inspection, weighing, and measuring of brick, lumber, coal, and other articles of merchandise.

(*x*) To prohibit the establishment or operation of dance halls, cabarets, and cockpits.

(*y*) Subject to the provisions of subsection (*f*) of section nineteen hundred and one of the Administrative Code, to provide for the laying out, construction, and improvement, and to regulate the use of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for, and prohibit the use of the same for processions, signs, signposts, awnings, awning posts, the carrying or displaying of banners, placards, advertisements, or handbills, or the flying of

signs, flags, or banners, whether along, across, over or from buildings, along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse or other offensive matter or matters liable to cause damage, in the streets and other public places, and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the author or owners thereof; to provide for the construction and maintenance, and regulate the use, of bridges, viaducts, and culverts; to prohibit or regulate ball playing, kite flying, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horses and other animals; motor and other vehicles, cars, and locomotive within the limits of the city; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; unless otherwise provided by law, to provide for and change the location, grade, and crossing of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, and to construct and repair ditches, drains, sewers and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(z) To provide for the construction and maintenance of, and regulate the navigation on, canals and water courses within the city and provide for the clearing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance and regulate the use of public landing places, wharves, piers, docks and levees, and of those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary rules and regulations issued in accordance with law.

(aa) Subject to the provisions of the Public Service Law, to fix the charges to be paid by all water craft land-

ing at or using public wharves, dock, levees, or landing places owned, operated, managed or controlled by the city.

(bb) To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix, subject to the provisions of the Public Service Law, and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(cc) To provide for the establishment and maintenance and regulate the use, of public drains, sewers, latrines, and cesspools.

(dd) Subject to the rules and regulations issued by the Director of Health in accordance with law, to provide for the establishment, maintenance and regulation and fix the fees for the use of public stables, laundries and baths, and public markets and prohibit the establishment or operation within the city limits of public markets by any person, entity, association, or corporation other than the city.

(ee) To establish or authorize the establishment of slaughterhouses, to provide for their veterinary or sanitary inspection, to regulate the use of the same, and to charge reasonable slaughter fees. No fees shall be charged for veterinary or sanitary inspection of meat from large cattle or other domestic animals slaughtered outside the city, when such inspection was had at the place where the animals were slaughtered.

(ff) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment, or service open to the public within the city limits; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution, or removal of the same when defective or dangerous.

(gg) To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so after sixty days from the date of serving a written notice, the cost thereof to be assessed to the owner to the extent of not to exceed sixty *per centum* of the assessed value, which cost shall constitute a lien against the property; and to regulate or prohibit or fix the license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of

billboards or structures of whatever materials erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

(hh) To provide for the enforcement of the rules and regulations issued by the Director of Health, and by ordinance to prescribe penalties for violations of such rules and regulations.

(ii) To extend its ordinance over all waters within the city, over any boat or other floating structures thereon and, for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(jj) To tax, fix the license fee for, and regulate the sale, trading in or disposal of, alcoholic or malt beverages, wines, and mixed or fermented liquor including tuba, basi, tapuy, offered for retail sale.

(kk) To regulate any other business or occupation not specifically mentioned in the preceding paragraphs, and to impose a license fee upon all persons engaged in the same or who enjoy privileges in the city.

(ll) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act.

(mm) To fix the date of the holding of a fiesta in the city not oftener than once a year and to alter, not oftener than once in three years, the date fixed for the celebration thereof.

(nn) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this Act, and to fix the penalties for the violation of ordinances, which shall not exceed a two hundred-peso fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 16. *Restrictive provisions.*—No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the Mayor shall decide that any sign, signboard, or billboard displayed or exposed in public view is offensive to the sight or is otherwise a nuisance, he may order the removal, of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such



order, he may himself cause its removal, and the sign, sign-board, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the creation or display thereof.

ARTICLE IV—*Departments and Offices of the City*

SEC. 17. *City department.*—There shall be a finance department, an engineering department, a law department, a police department and a fire department. Unless otherwise provided by law, the Mayor shall have general supervisory control over all the city departments.

The Municipal Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and, with the approval of the President, may consolidate any department, division or office of the city with any other department, division or office.

SEC. 18. *Powers and duties of heads of departments.*—Each head of department of the city government shall be in control of such department and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all pay rolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. At least four months before the beginning of each fiscal year, he shall prepare and present to the Mayor an estimate of the appropriation necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the Mayor as often as required reports covering the operations of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the city departments, the officer next in charge of that department shall act in his place with authority to sign all necessary papers, vouchers, requisitions and so forth.

SEC. 19. *Appointment and removal of officials and employees.*—The President of the Philippines shall appoint, with the consent of the Commission on Appointments of the Congress of the Philippines, the judge and auxiliary judge of the municipal court, the city treasurer, the city engineer, the city attorney, the chief of police, the chief of the fire department, and the other heads of such city department as may be created. Except the judge and the auxiliary judge of the municipal court, said officers shall hold office at the pleasure of the President.

All other officers and employees of the city whose appointments is not otherwise provided for by law shall be

appointed by the Mayor upon the recommendation of the corresponding city department head in accordance with the Civil Service Law and they shall be suspended or removed in accordance with said law.

*SEC. 20. Officers not to engage in certain transactions.—*

It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

*ARTICLE V—Finance Department*

*SEC. 21. The city treasurer—His powers, duties and compensation.—*There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of not exceeding three thousand six hundred pesos per annum. He shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents due for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all costs, fees, fines and forfeitures imposed by the municipal court.

(b) He shall collect all miscellaneous charges made by the engineering department and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installations, maintenance, and services rendered in the operation of the private privy system.

(c) He shall collect, as deputy of the Collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the Republic of the Philippines upon property or persons in the Ormoc City depositing daily such collections in any depository bank of the Government.

(d) Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers generally, as well as the other duties imposed upon him by law.

(e) He shall purchase and issue all supplies, equipment or other property required by the city, through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

(f) He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.

(g) He shall deposit daily all municipal funds and collections in any bank duly designated as Government depository.

(h) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the Municipal Board for their administrative information a statement of the appropriation, expenditures and balances of all funds and accounts as of the last day of the month preceding.

#### ARTICLE VI—*Engineering Department*

SEC. 22. *The city engineer—His powers, duties and compensation.*—There shall be a city engineer, who shall be in charge of the department of engineering and public works. He shall receive a salary of not exceeding three thousand pesos per annum. He shall have the following powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such service in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the Mayor.

(c) He shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same.

(d) He shall make such tests and inspection of engineering materials used in connection and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality.

(e) He shall have the care of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places, and public buildings.

(f) He shall have the care of all public streets, parks, and bridges, and shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinances; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city.

(g) He shall have the care and custody of all public docks, wharves, piers, levees, and landing places owned by the city.

(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.

(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same.

(j) He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same, in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system.

(k) He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city.

(l) He shall inspect and report upon the conditions of public property and public works whenever required by the Mayor.

(m) He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department.

(n) He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city.

(o) With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances; and shall cause buildings or structures dangerous to the public to be made secure or turned down.

(p) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

SEC. 23. *Execution of authorized public works and improvement.*—All repair or construction of any work or public improvement, except parks, boulevards, streets or alleys, involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement in the Official Gazette for not less than ten days, by the Mayor upon the recommendation of the city engineer: *Provided, however,* That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In the case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulations, prescribed.

#### ARTICLE VII—*Law Department*

SEC. 24. *The city attorney—His powers and duties.*—The city attorney shall be the chief legal adviser of the city. He shall receive a salary of not exceeding three thousand pesos per annum. He shall have the following powers and duties:

(a) He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

(c) He shall, when requested, attend meetings of the Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.

(d) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof.

(e) He shall, whenever it is brought to his knowledge that any person, firm or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, in-

investigate or cause to be investigated the same and report to the Mayor.

(f) He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by *subpoena*, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance.

(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Leyte and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the city health officer.

(i) He shall at all time render such professional services as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

(j) He shall perform the duties prescribed by law for register of deeds.

#### ARTICLE VIII—*Police Department*

SEC. 25. *The chief of police—His powers, duties and compensation.*—There shall be a chief of police who shall have charge of the police department. He shall receive a salary of not exceeding two thousand four hundred pesos per annum. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law, for the government of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of per-

son and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any person arrested for violation of any city ordinance.

(d) He shall have authority within the police limits of the city, to serve and execute criminal processes of any court.

(e) He shall be the deputy sheriff of the city, and as such he shall, personally or by representative, attend the sessions of the municipal court, and shall execute promptly and faithfully, all writs and processes of said court.

(f) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

SEC. 26. *Chief of secret service.*—There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

The chief of secret service shall receive a salary of not exceeding one thousand eight hundred pesos per annum.

SEC. 27. *Peace officers—Their powers and duties.*—The Mayor, the chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime, or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen, and to exercise such other powers and perform such other duties as may be prescribed by law or

ordinance. They shall detain an arrested person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

#### ARTICLE IX—*Fire Department*

SEC. 28. *Chief of fire department—His powers, duties and compensation.*—There shall be a chief of fire department who shall have charge of said department. He shall receive a salary of not exceeding one thousand eight hundred pesos per annum. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

(b) He shall have charge of the fire-engine houses, fire engines, hose carts, hooks and ladders, trucks, and all other fire apparatus.

(c) He shall have full police powers in the vicinity of fires.

(d) He shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property.

(e) He shall investigate and report to the Mayor upon the origin and cause of all fires occurring within the city.

(f) He shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinances relating thereto.

(g) He shall have charge of the city fire alarm service.

(h) He shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.

(i) He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives.

(j) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.



ARTICLE X—*Assessment Department*

SEC. 29. *The city assessor—His powers and duties.*—The city assessor shall have charge of the department of assessment. He shall receive a salary of not exceeding two thousand four hundred pesos per annum. He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make the list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value thereof. In making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cash value. He may, if necessary, examine the records of the office of the Register of Deeds in the Province of Leyte showing the ownership of real estate in the city. The city treasurer shall act as city assessor until the municipal board, by ordinance approved by the Department Head, provides otherwise.

SEC. 30. *Real estate exemption from taxation.*—The following shall be exempt from taxation:

(a) Lands or buildings owned by the Republic of the Philippines, the Province of Leyte or Ormoc City, and burying grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit, but such exemption shall not extend to lands or buildings held for investment, though income therefrom be devoted to religious, charitable, scientific, or educational purposes.

(b) Lands or buildings which are the only real property of the owner, and the value of which does not exceed two hundred pesos.

(c) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery.

SEC. 31. *Declaration to be made by persons acquiring or improving real estate.*—It shall be the duty of each person

who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvements on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the city assessor readily to identify the same. Any person having acquired a real estate who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its owner.

SEC. 32. *Action when owner makes no returns, or is unknown, or ownership in dispute or in doubt, or when land and improvements are separately owned.*—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made.

SEC. 33. *Action in case estate has escaped taxation.*—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property, the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

SEC. 34. *When assessment may be increased or reduced.*—The city assessor shall during the first fifteen days of January of each year add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has theretofore escaped tax-

ation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment as the case may be.

SEC. 35. *Publication of complete list and proceedings thereon.*—The city assessor shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the City Hall, that the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of February the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. He shall further notify in writing each person the amount of whose tax will be changed by such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines, some time in the month of January.

It shall be his duty carefully to preserve and record in his office copies of said notice. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice had been done or errors have been committed he is authorized to amend the list in accordance with his findings.

SEC. 36. *City assessor to authenticate lists of real estate assessed.*—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in Ormoc City has been omitted from the list, according to the best of my knowledge and belief."

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(Signature of City Assessor)

SEC. 37. *Time and manner of appealing to Board of Tax Appeals.*—In case any owner of real estate or his authorized agent, shall feel aggrieved by any decision of the city assessor under the preceding sections of this articles, such

owner or agent may, within thirty days after the entry of such decision, appeal to the Board of Tax Appeals. The appeal shall be perfected by filing a written evidence in his possession relating to such assessment and valuation.

SEC. 38. *Constitution and compensation of Board of Tax Appeals.*—There shall be a Board of Tax Appeals which shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines. Three members of the Board shall be selected from among government officials in the city other than those in charge of assessment and they shall serve without additional compensation. The two other members shall be selected from among property owners in the city and they shall each receive compensation of ten pesos for each day of session actually attended. The chairman of the Board shall be designated in the appointment and shall have the power to designate any city official or employee to serve as the secretary of the Board without additional compensation.

The members of the Board of Tax Appeals shall hold office for a term of two years unless sooner removed by the President of the Philippines.

SEC. 39. *Oath to be taken by members of the Board of Tax Appeals.*—Before organizing as such, the members of the Board of Tax Appeals shall take the following oath before the municipal judge or some other officer authorized to administer oaths:

“I do solemnly swear (or affirm) that I will hear and determine well and truly all matters and issues between taxpayers and the city assessor submitted for my decisions. So help me God. (In case of affirmation the last four words to be stricken out.)”

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(Signature of Member of the Board of Tax Appeals)

“Subscribed and sworn to (or affirmed) before me  
this ..... day of ....., 194....”

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(Signature of title of officer administering oath)

SEC. 40. *Proceedings before Board of Tax Appeals and the department head.*—The Board of Tax Appeals shall hold such number of sessions as may be authorized by the Secretary of Finance, shall hear all appeals duly transmitted to it, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been performed by order signed by the Board or a majority thereof, and transmit it to the city assessor who shall amend the tax list in conformity with said order. It shall also have power to revise and correct, with the approval of the De-

partment Head first had, and any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessments and state the true valuation, in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the times herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the Board of Tax Appeals before any reassessment or revaluation is made. The decision of the Board of Tax Appeals shall be final unless the Department Head declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such revision when approved by the President of the Philippines shall be final.

SEC. 41. *Taxes on real estate.—Extension and remission of the tax.*—A tax, the rate of which shall not exceed two *per centum ad valorem* to be determined by the Municipal Board, shall be levied annually on or before the second Monday of January on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for any year shall be due and payable annually on the first day of June and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

Such lien shall be superior to all other liens, mortgages or incumbrances of any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the Municipal Board simultaneously with the rate *per centum ad valorem* taxation: *Provided*, That the time limit for first and second installments shall be set at not later than the thirty-first day of May and the thirtieth day of October of each year, respectively.

Any person, who on the last day set for the payment of the real estate tax as provided in the preceding paragraphs, shall be within the premises of the City Hall willing and ready to pay the tax, but it is unable to effect it on account of the large number of taxpayers therein present, shall be furnished properly prescribed card which will entitle him to pay the tax without penalty on the following day.

The words paid "under protest" shall be written upon the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation

in writing of an oral protest shall be made within thirty days.

At the expiration of the time for the payment of the real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency to the payment of a penalty at the rate of two *per centum* for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in this Act: *Provided*, That in no case shall the total penalty exceed twenty-four *per centum* of the original tax due.

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason, the Municipal Board may, by resolution passed or on before the thirty-first day of December of such year, extend the time for the collection of the tax on real estate in Ormoc City for a period not to exceed three months, or remit wholly or in part the payment of the tax on penalty for the ensuing year, but such resolution shall have to specify clearly the grounds for such extension or remission and shall not take effect until it shall have been approved by the Department Head.

The President of the Philippines, may in his discretion, remit or reduce the real estate taxes for any year in the City of Ormoc if he deems this to be in the public interest.

SEC. 42. *Seizure of the personal property for delinquency in payment of the tax.*—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer, or his deputy, if he desires to compel payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall be sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and these proceedings may be carried out by the city treasurer, his deputy, or any other office authorized to carry out legal proceedings.

SEC. 43. *Personal property exempt from seizure and sale from delinquency.*—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax.

(a) Tools and implements necessarily used by the delinquent in his trade or employment.

(b) One horse, or cow or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in ordinary occupation.

(c) His necessary clothing and that of his family.

(d) Household furniture and utensils necessary for housekeeping, and used for that purpose by the delinquent, such as he may select of a value not exceeding one hundred pesos.

(e) Provisions for individual or family use sufficient for four months.

(f) The professional libraries of lawyers, judges, clergymen, physicians, engineers, school-teachers, and music teachers, not exceeding five hundred pesos in value.

(g) The fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

(h) Any article or material which forms part of a home or of any improvement on any real estate.

SEC. 44. *The owner may redeem personal property before sale.*—The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and shall only embrace the actual expense, of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 45. *Sale of seized personal property.*—Unless redeem as hereinbefore provided, the property seized through proceedings under section forty-four hereof, shall after due advertisement, be exhibited for sale at public auction and so much of the same as shall satisfy the tax, penalty, and cost of seizure and sale shall be sold to the highest bidder. The purchaser at such sale shall acquire an indefeasible title to the property sold.

The advertisement shall state the time, place and cause of sale, and be posted for ten days prior to the date of the auction, at the main entrance of the city hall and at a public and conspicuous place in the district where the property was seized.

The sale shall take place, at the discretion of the city treasurer or his deputy, either at the main entrance of the city hall or at the district where such property was seized. If no satisfactory bid is offered in the aforementioned districts another auction shall be had, upon notice published anew.

SEC. 46. *Return of officer—Disposal of surplus.*—The officer directing the sale under the preceding section shall forthwith make return of his proceedings and note thereof shall be made by the city treasurer upon his records. Any surplus resulting from the sale, over and above the tax, penalty and cost, and any property remaining in possession of the officer, shall be returned to the taxpayer on account of whose delinquency the sale has been made.

SEC. 47. *Vesting title to real estate in city government.*—Upon the expiration of one year from the date on which the taxpayer became delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interests in and to the real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for herein-below: *Provided*, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

SEC. 48. *Redemption of real estate before seizure.*—At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of the publication of the advertisement provided for in the next succeeding section, the owner or his lawful representative, or any person having any lien, right, or any other legal or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: *Provided*, That the person exercising the right of redemption shall not acquire a title to said property better than that of the original owner prior to the seizure.

SEC. 49. *Notice of seizure of real estate.*—Notice of seizure of the real estate shall be given by posting notices at the main entrance of the city hall, the provincial building and all the municipal buildings in the Province of Leyte, in English, and Spanish and in the dialect commonly used in the locality. A copy of said notice shall also be posted on the property subject to seizure. Such notices shall state the names of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each and shall state that unless



such taxes and penalties are paid within ninety days from the date of the publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 50. *Ejectment of occupants of seized property.*—After the expiration of ninety days from the date of the publication of the notice of delinquency provided for in the next preceding section, the city treasurer, or his deputy, may issue to the Mayor or to other officers authorized by law to execute and enforce the laws a certificate describing the parcel of real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants there. Upon receiving such certificate, the Mayor or any other officer authorized to enforce the law, shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: *Provided, however,* That if the property so seized is or includes, a residential home, the occupant thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejectment, to vacate the premises.

SEC. 51. *Redemption of real property before sale.*—After the title to the property shall have become vested in the city government in the manner provided for in sections forty-seven and forty-nine hereof, and at any time prior to the sale or contract of sale by the city treasurer to a third party, the original owner or his legal representative or any person having any lien, right, or other legal interest or equity in said property, shall have the right to redeem the entire property in question, by paying the full amount of taxes and penalties due thereto at the time of the seizure, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to said lease: *Provided,* That the payment of the prices of sale may, at the discretion of the purchaser, be made in installments, extending over a period not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less than twenty-five *per centum* of the entire sum due, and shall in no case be less than two pesos, unless the total or the balance of the amount due on all seized property in the name of the taxpayer is less than two pesos. The purchaser may occupy the property after paying the first installment and the usual taxes on the property shall be payable in the year after that which the application for redemption was

approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: *Provided, however*, That the original owner of any real estate seized prior to the approval of this Act, who redeems the same within six months subsequent to its approval, is hereby released from any obligation he may have to the Government for rent for the use of such property: *Provided, finally*, That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the approval of this Act.

SEC. 52. *Notice of sale of real estate at public auction.*—At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made posting a notice for three consecutive weeks at the main entrances of the City Hall and of all the municipal buildings of the province in either English or Spanish, and in the dialect commonly used in the locality, and by publishing the same once a week during three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and the location by district and street and the street number and district or barrio where the real estate to be sold is located.

SEC. 53. *Sale of real estate—Conditions.*—At any time during the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties to the city treasurer or his deputy. Otherwise the sale shall proceed and shall be held either at the main entrance of the City Hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The pay-

ment of the sale price may, at the opinion of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale, and each subsequent payment shall not be less than twenty-five *per centum* of the sale price, and shall in no case be less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupants of the property, in accordance with the procedure prescribed in section forty-nine of this Act.

The city treasurer or his deputy shall make a report of the sale to the Municipal Board within five days after the sale and shall make the same appear on its records. The purchaser at this sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the condition of payment, the amount paid, and the exact amount of the taxes and penalties.

SEC. 54. *Redemption of real estate after sale.*—Within one year from and after the date of sale, the delinquent taxpayer or any other person in his behalf, shall have the right to redeem the property sold by paying to the city treasurer or his deputy the amount of the taxes, penalties, cost and interest at the rate of twelve *per centum per annum* on the purchase price, if paid in whole, or on any portion thereof as may have been paid by the purchasers and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, stating that he has thus redeemed the property, and the city treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve *per centum per annum*, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

SEC. 55. *Execution of deed of final sale.*—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have paid the total purchase price, the city treasurer, as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens or encumbrances of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representatives.

SEC. 56. *Taxes and penalties which shall be paid upon redemption or repurchase.*—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of the failure to pay which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the Government.

SEC. 57. *Taxes—Legal procedure.*—(a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Charter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

(c) No court shall entertain any suit assailing the validity of the tax sale of land under this Charter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen *per centum* per annum upon the sum from the date of sale to the time of instituting the suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale, if the deed is declared invalid, and shall be returned to the depositor, should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale, or

by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

ARTICLE XI—*Tax Allotments and Special Assessment for Public Improvements*

SEC. 58. *Allotment of internal revenue and other taxes.*—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred and eighty-six and other taxes collected by the National Government and allotted to the various provinces, as well as the National aid for schools, Ormoc City shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 59. *Power to levy special assessments for certain purposes.*—The Municipal Board may, by ordinance, provide for the levying and collection, by special assessment of the lands comprised within the district or section of the city specially benefitted, or a part not to exceed sixty *per centum* of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

In case of national public works, the Municipal Board as an agency of the National Government shall, when the President of the Philippines so direct it, provide for the levying and collection by special assessment of the lands within the section or district of the city specially benefitted of the cost or a part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, or deepening, or otherwise, repairing, enlarging, or improving national roads and other national public works within the city, including the cost of acquiring the necessary land and improvements therein.

SEC. 60. *Property subject to special assessment.*—All lands comprised within the district or section benefitted, except those owned by the Republic of the Philippines shall be subject to the payment of the special assessment.

SEC. 61. *Basis of apportionment.*—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in books of the city assessor. If the property has not been

declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 62. *Ordinance levying special assessment.*—The ordinance providing for the levying and collection of a special assessments shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment the limits whereof shall be stated by metes and bounds if practicable, and by other reasonably accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate *per centum* for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of this city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It shall be the duty of the city engineer to make the plans, specifications, and estimates of the public works contemplated to be undertaken.

SEC. 63. *Publication of proposed ordinance levying special assessment.*—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is constructed or contemplated to be constructed.

The Secretary of the Municipal Board shall, on application, furnish a copy of the proposed ordinance to each landowner affected, or his agent and shall, if possible, send to all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 64. *Protest against special assessment.*—Not later than ten days after the last publication of the ordinance and list of landowners, as provided in the preceding section, and landowners affected, if they compose a majority and represent more than one-half of the total assessed value of said lands, may file with the Municipal Board a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their ob-

jection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 65. *Hearing of protest.*—The Municipal Board shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all land owners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidence presented by the landowners interested or their attorney shall be attached to the proper records. After the hearing the Municipal Board shall either modify its ordinance or approve *in toto*, and send notice of its decision to all interested parties who have given their address, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for two consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Act shall be observed.

SEC. 66. *When ordinance is to take effect.*—Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 67. *Appeals.*—Any time before the ordinance providing for the levying and collection of special assessment becomes effective in accordance with the preceding section, appeals from such special assessment may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the city. In all cases the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone representing more than one-half of the total assessed value of the lands affected. The appellant or appellants shall immediately give the Board a written notice of the appeal, and the secretary of said board shall, within ten days after receipt of the notice of appeal forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the board rela-

tive to the proposed special assessment and all the documents in connection therewith.

SEC. 68. *Decision of the appeal.*—Only appeals made within the time and in the manner prescribed in this Act shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers of documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 69. *Fixing of amount of special assessment.*—As soon as the ordinance is in full force and effect, the city treasurer shall determine the amount of the special assessment which the owner of a parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each of such land owners a written notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the amount of the unpaid annual installments which are still to be collected from each landowner affected, in all cases, he shall give notice of such rectifications to the parties interested.

SEC. 70. *Payment of special assessment.*—All sums due from any landowner or owners as the result of any action taken pursuant to this Act shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they are assessed, constitute special liens on said land, with the sole exception of the lien for the nonpayment of the ordinary real property tax. If, upon recomputation of the amount of special assessment in accordance with the next preceding section it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the land owner shall have one year within which to pay without penalty the amount still due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 71. *Disposition of proceeds.*—The proceeds of the special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessments were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections



made by him from special assessment levies from national public works.

#### ARTICLE XII—*City Budget*

SEC. 72. *Annual budget.*—At least four months before the beginning of each fiscal year, the city treasurer shall present to the Mayor a certified detailed statement by department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by section eighteen of this Charter, the Mayor shall formulate and submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditure for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: *Provided, however,* That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipt submitted by the city treasurer as provided above.

SEC. 73. *Supplemental budget.*—Supplemental budget formulated in the same manner may be adopted when special or unforeseen circumstances make such action necessary.

SEC. 74. *Failure to enact an appropriation ordinance.*—Whenever the board fails to enact an appropriation ordinance for any fiscal year before the end of the previous fiscal year the several sums appropriated in the last appropriation ordinance for the objects and purposes therein specified, so far as they may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance, and shall go into effect on the first day of the new fiscal year as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

#### ARTICLE XIII—*The Municipal Court*

SEC 75. *Regular, auxiliary and acting judges of municipal courts.*—There shall be a municipal court for Ormoc City for which there shall be appointed a municipal judge and auxiliary municipal judge.

The municipal judge may, upon proper application be allowed a vacation of not more than thirty days every year with salary. The auxiliary municipal judge shall discharge the duties in case of absence, incapacity or inability of the municipal judge until the resumes his post, or until a new

judge shall have been appointed. During his incumbency the auxiliary municipal judge shall enjoy the powers, emoluments and privileges of the municipal judge who shall receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Act.

In case of absence, incapacity or inability, of both the municipal judge and the auxiliary municipal judge, the Secretary of Justice shall designate the justice of the peace of any of the adjoining municipalities to preside over the municipal court, and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office, or until another judge shall have been appointed in accordance with the provisions of this Act. The justice of the peace so designated shall receive his salary as justice of the peace plus seventy per cent of the salary of the municipal judge whose office he has temporarily assumed.

The municipal judge shall receive a salary of not exceeding three thousand six hundred pesos per annum.

SEC. 76.—*Clerk and employees of the municipal court.*—There shall be a clerk of the municipal court who shall be appointed by the Mayor in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand two hundred pesos per annum. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgement. He shall have the power to administer oath.

The clerk of the municipal court shall at the same time be sheriff to the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs. The Municipal Board may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

SEC. 77. *Jurisdiction of Municipal Court.*—The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law. It shall have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and

management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and *estafa* where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary investigation for any offenses, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 78. *Incidental powers of Municipal Court.*—The municipal court shall have power to administer oaths and to give certificates thereof; to issue summonses, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by law; and to require of any person arrested a bond for good behavior or to keep the peace, or for the further appearance of such person before court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties to be approved by said court.

SEC. 79. *Procedure in Municipal Court in prosecutions for violations of law and ordinances.*—In a prosecution for the violation of any ordinance, the first process shall be a summon; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinances of the city in such cases made and provided." All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleadings, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court and its officers in all cases insofar as the same may be applicable.

SEC. 80. *Cost, fees, fines and forfeitures in Municipal Court.*—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city

treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The municipal judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for.

SEC. 81. *No person sentenced by Municipal Court to be confined without commitment.*—No person shall be confined in the prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

SEC. 82. *Procedure on appeal from Municipal Court to Court of First Instance.*—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock postmeridian of the day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and processes in the case. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial *de novo* upon its merits as though the same had never been tried. Pending on appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the judge of the Court of First Instance, upon sufficient bail, in accordance with the procedure in force, to await the judgment of the appellate court.

Appeals in civil cases shall be governed by the ordinary procedure established by law.

#### ARTICLE XIV—Bureaus Performing Municipal Duties

SEC. 83. *The General Auditing Office.*—The Auditor General or his delegate shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting.

SEC. 84. *The Division of Purchase and Supply.*—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate, for the use of the city

and its departments and offices. But contracts for completed work of any kind for the use of the city, or any of its departments or offices, involving both labor and materials, where the materials are furnished by the contractor, shall not be deemed to be within the purview of this section.

SEC. 85. *The Bureau of Education.*—The Director of the Bureau of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines and the division superintendent of schools for the province of Leyte shall have all the powers and duties in respect to the schools of the city as are vested in division superintendent in respect to schools of their divisions.

A city school board of six members, two of whom shall be women and who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in the municipalities.

The Municipal Board shall have the same powers in respect to the establishment of schools as are conferred by law on municipal councils.

SEC. 86. *Reports to the Mayor concerning schools—Construction and custody of school buildings.*—The division superintendent of school shall make a quarterly report of the condition of the school and school buildings of the City of Ormoc to the Mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, and all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city. The city school board shall make a similar annual report to the Mayor.

SEC. 87. *The city health officer—His salary, powers, and duties.*—There shall be in the City of Ormoc a city health officer. He shall have a salary of not exceeding three thousand pesos *per annum*. The city health officer shall have the following general powers and duties:

(a) He shall have general supervision over the health and sanitary conditions of the city.

(b) He shall execute and enforce all laws, ordinances and regulations relating to the public health.

(c) He shall recommend to the Municipal Board the passage of such ordinance as he may deem necessary for the preservation of the public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspection and may be aided therein by such members of the police force of the city or of the Philippine Constabulary as shall be designated as sanitary police by the chief of police or proper Constab-

ulary Officer and such sanitary inspector as may be authorized by law.

(f) He shall keep a civil register for the city and record there all births, marriages, and deaths with their respective dates.

(g) He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health shall direct.

#### ARTICLE XV—*Transitory Provisions*

SEC. 88. *Change of government.*—The city government provided for in this Charter shall be organized immediately after the appointment and qualification of the City Mayor and a majority of the members of the Municipal Board. Pending the next general elections for provincial and municipal officials, the offices of the elective members of the Municipal Board shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines.

SEC. 89. *Election of provincial governor and members of the Provincial Board of the Province of Leyte.*—The qualified voters of Ormoc City shall not be qualified and entitled to vote in the election of the provincial governor and the members of the provincial board of the Province of Leyte.

SEC. 90. *Representative district.*—Until otherwise provided by law, Ormoc City shall belong to the Second Representative District of the Province of Leyte.

#### ARTICLE XVI—*Effectivity of the Act*

SEC. 91. This Act shall take effect upon proclamation of the President of the Philippines.

Approved, June 21, 1947.

H. No. 1012

[REPUBLIC ACT No. 180]

### THE REVISED ELECTION CODE

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

#### ARTICLE I.—*General Provisions*

SECTION 1. *Short title.*—This Act shall be known and cited as the "Revised Election Code."

SEC. 2. *Elections governed by this Code.*—All elections of public officers by the people and all votings in connection with plebiscites shall be conducted in conformity with the provisions of this Code. (C. A. 357-1)

SEC. 3. *Supervision of elections.*—The Commission on Elections shall, in addition to the powers and functions con-

ferred upon it by the Constitution, have direct and immediate supervision over the provincial, municipal, and city officials designated by law to perform duties relative to the conduct of elections. It may suspend from the performance of said duties any of said officials who shall fail to comply with its instructions, orders, decisions, or rulings and appoint their temporary substitutes and, upon recommendation of the Commission, the President of the Philippines may remove any or all such officials who shall be found guilty of non-feasance, malfeasance, or misfeasance in connection with the performance of their duties relative to the conduct of elections. (C. A. 657-3)

SEC. 4. *Organization of Commission.*—The Commission on Elections shall adopt its own rules of procedure. Two members of the Commission shall constitute a *quorum* for the transaction of business. The concurrence of two members shall be necessary for the pronouncement or issuance of a decision, order, or ruling. (C. A. 657-1, par. 2)

The Commission shall have a secretary, who shall receive a salary of fifty-one hundred pesos per annum, and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Commission in accordance with the Civil Service Law and Rules.

The Secretary of the Commission, under the direction of the Chairman, shall have charge of the administrative business of the Commission and shall perform such other duties as may be required of him by the Commission. He shall be the recorder of the proceedings of the Commission and the custodian of its records, documents and papers and shall be responsible therefor to the Commission. (C. A. 657-2)

SEC. 5. *Powers of Commission.*—The Commission on Elections or any of the members thereof shall have the power to summon the parties to a controversy pending before it, issue *subpœnas* and *subpœnas duces tecum* and otherwise take testimony in any investigation or hearing pending before it, and delegate such power to any officer. Any controversy submitted to the Commission on Elections shall be tried, heard and decided by it within fifteen days counted from the time the corresponding petition giving rise to said controversy is filed. The Commission or any of the members thereof shall have the power to punish contempts provided for in rule sixty-four of the Rules of Court, under the same procedure and with the same penalties provided therein.

Any violation of any final and executory decision, order or ruling of the Commission shall constitute contempt of the Commission. (C. A. 657-8)

Any decision, order or ruling of the Commission on Elections may be reviewed by the Supreme Court by writ of *certiorari* in accordance with the Rules of Court or with such rules as may be promulgated by the Supreme Court. (C. A. 657-9)

SEC. 6. *Regular elections for national offices.*—(a) On the second Tuesday in November, nineteen hundred and forty-nine, and upon the same day every four years thereafter, the President and the Vice-President of the Philippines shall be elected. The canvass by both Houses of the Congress of the Philippines shall begin on the second Tuesday in the following December, for which purpose said body shall meet in a special joint session. The President-elect and the Vice-President-elect shall assume office at twelve o'clock noon on the thirtieth day of December. (C. A. 357-3a) ; (C. A. 725-12-13)

(b) On the second Tuesday of November, nineteen hundred and forty-seven, and on the same day every two years thereafter, a regular election shall be held to elect eight Senators. The term of office of those elected shall commence on the thirtieth day of December and terminate six years thereafter. (C. A. 725-13) ; (Republic Act 45-2)

(c) On the second Tuesday of November, nineteen hundred and forty-nine, and upon the same day every four years thereafter, a regular election shall be held to elect the Members of the House of Representatives. The term of office of those elected shall commence on the thirtieth day of December and terminate four years thereafter. (C. A. 357-3b ; C. A. 725-13)

SEC. 7. *Regular elections for provincial and municipal offices.*—On the second Tuesday of November, nineteen hundred and forty-seven, and on the same day every four years thereafter, a regular election shall be held to elect the officials who will occupy all elective provincial, city and municipal offices throughout the Philippines, excluding the provincial officials of the special Provinces of Lanao, Cotabato, Sulu, Bukidnon and Mountain Province. The officials elected shall assume office on the first day of January next following and shall hold such office for four years and until their successors shall have been duly elected and qualified. (R. A. 45-1)

SEC. 8. *Postponement of election.*—When for any serious cause the holding of an election should become impossible in any political division or subdivision, the President, upon recommendation of the Commission on Elections, shall postpone the election therein for such time as he may deem necessary. (C. A. 357-5 ; C. A. 657)

SEC. 9. *Designation of other dates for certain pre-election acts.*—If, on account of insurmountable difficulties, the division into election precincts, the designation of polling places,



the appointment of election inspectors and poll clerks, or the registration of voters should not be effected in any place on the dates herein fixed, the Commission on Elections may, with the approval of the President, fix another date so that the omission may be remedied and such place may not be deprived of the right of suffrage. (C. A. 357-6; C. A. 657)

SEC. 10. *Filling of elective offices in a new political division.*—When a new political division is created the inhabitants of which are entitled to participate in the elections, the elective officers thereof shall, unless otherwise provided, be chosen at the next regular election. In the interim such offices shall, in the discretion of the President, be filled by appointment by him or by a special election which he may order.

In the absence of a municipal or city council, the provincial board shall perform the duties of the former with respect to the first election in the new political division. (C. A. 357-7)

SEC. 11. *Application of Code in cities.*—The terms “province” or “municipality,” “municipal council,” “provincial government,” “municipal treasurer,” “municipal secretary” and “provincial officers” or “municipal officers,” as used in this Code, shall be understood in chartered cities, to refer respectively to the city, the municipal board, the city government, the city treasurer, the city secretary, and the city officers, and, unless the context shows a different meaning, the duties of the provincial board, the provincial governor, and the provincial treasurer relative to elections shall be performed in said cities by their municipal board, mayor, and treasurer, respectively. (C. A. 357-8)

SEC. 12. *Participation of municipal districts in the elections.*—The voters in the municipal districts shall be entitled to vote at the election of elective national and provincial officers. The municipal district councils shall perform the duties of municipal councils in connection with the holding of elections. (C. A. 357-9)

SEC. 13. *Elections in outlying unorganized communities.*—Outlying barrios or districts not forming part of a municipality or municipal district shall, for election purposes only, so that their qualified voters may exercise the right of suffrage, be considered a part of the municipality or municipal district to which they are contiguous or to which they are most conveniently accessible, as may be determined by the provincial board. (C. A. 357-10)

SEC. 14. *Voters confined in leprosaria.*—Patients confined in leprosaria shall exercise the right of suffrage in the municipality where they lawfully resided immediately before they were taken to said leprosaria, and, for that purpose, every elector not yet registered in the existing per-

manent list shall accomplish the voter's affidavit, in quadruplicate, before the justice of the peace of the municipality where the leprosarium is located, on the days set by law for registration, and for this purpose said justice of the peace shall be at the leprosarium at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The justice of the peace shall prepare a list of these affidavits and send a certified copy of the portion thereof and corresponding to each municipality to the board of election inspectors of the aforesaid municipality designated by the Commission on Elections, to the register of deeds of the province comprising the same, and to the Commission on Elections, together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of the said precinct. All questions regarding the inclusion and exclusion of those voters shall be decided within the time limits fixed by law by the justice of the peace of the municipality where the leprosarium is located. (C. A. 357-11)

SEC. 15. *Voting in the leprosaria.*—On the day of voting, said voters shall vote in the leprosarium before the justice of the peace, for which purposes said officer shall be at the leprosarium at seven o'clock in the morning of that day to receive the votes of the voters of the same, and at two o'clock in the afternoon or as soon as the voters who desire to vote have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph at six o'clock in the evening of the day of the voting or as soon after the canvass as possible, to the municipal treasurer and to the Commission on Elections, so that it may be included in the final computation of the votes and at the same time he shall send to said officers certified copies of the statement by rush and registered mail.

The municipal treasurer shall immediately transmit a certified copy of the telegram to the proper election precinct of the municipality, and the board of inspectors thereof shall include in its canvass the votes set forth in the telegram, provide the same is received by the board before the result of the canvass is proclaimed.

In the leprosaria where there are more than two hundred and fifty voters, the justice of the peace shall form as many polling places as may be necessary so that in each of them not more than two hundred and fifty voters may cast their votes, and shall designate a deputy to act as inspector in

each polling place and to perform the duties herein entrusted to the justice of the peace. (C. A. 357-12)

SEC. 16. *Voters in military and naval bases and reservations of foreign countries in the Philippines.*—Voters residing temporarily in military and naval bases and reservations of foreign countries in the Philippines, because they are employed in said bases and reservations, shall exercise the right of suffrage as electors of the municipality where they lawfully resided immediately before they were employed in said bases and reservations, and, for that purpose, every elector not yet registered in the existing permanent list shall accomplish the voter's affidavit, in quadruplicate, before a representative or representatives of the Commission on Elections, who shall be sent by the said Commission to the said base or reservation on the days set by law for registration, and for this purpose said representative or representatives shall be at the base or reservation at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The said representative or representatives shall prepare a list of these affidavits and send a certified copy of the portion hereof corresponding to each municipality to the board of election inspectors of the aforesaid municipality designated by the said Commission, to the register of deeds of the province comprising the same, and to the Commission on Elections, together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters, and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of said precinct. All questions regarding the inclusion and exclusion of those voters shall be decided within the time limits fixed by law by the said representative or representatives of the Commission on Elections.

SEC. 17. *Voting in bases and reservations.*—On the day of voting, said voters shall vote in the place or places designated at the base or reservation by the Commission on Elections and before the representative or representatives of said Commission, for which purpose said representative or representatives shall be in the said place or places at seven o'clock in the morning of that day to receive the votes of the voters, and, at six o'clock in the afternoon or as soon as the voters have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph immediately after the canvass, to the municipal treasurer concerned and to the Commission on Elections, so that it may be included in the final computation of the votes and at the same time

the said representative or representatives shall send to said officers certified copies of the statement by rush and registered mail.

SEC. 18. *Right of suffrage incident to territorial changes.*—When a territory is merged with a city, municipality, municipal district or with another province, its inhabitants acquire the right to participate in the election of public officers to the same extent as the inhabitants of the city, municipality, municipal district or province with which it has been merged. (C. A. 357-13)

SEC. 19. *Vacancies in the offices of President and Vice-President.*—When neither the President-elect nor Vice-President-elect shall have qualified, as provided in section six, Article VII of the Constitution, or in case of removal, death, resignation or inability, both of the President and Vice-President, as provided in section eight, Article VII of the Constitution, the President of the Senate shall act as president until the President-elect or the Vice-President-elect shall have qualified or their disability has been removed or a President has been elected. (C. A. 68-modified).

In case of permanent vacancy in the offices of President and Vice-President, the Congress shall determine by joint resolution whether or not a special election shall be held to elect a President and a Vice-President or only a President. In the affirmative case, the date on which the special election is to be held shall be fixed in the resolution and said date shall be stated in the proclamation to be issued in accordance with section twenty-two of this Code, which shall be signed by the Acting President. The officers elected shall qualify at twelve o'clock in the morning of the day next following the date of their proclamation by the Congress and shall hold office until their successors, elected at the next regular election, shall qualify. (C. A. 357-14) (Constitution)

SEC. 20. *Vacancy in the Congress.*—Whenever a vacancy in the Congress occurs at least ten months before the next regular election of the Member of Congress whose office is vacant, the President, as soon as he is notified by the House where the vacancy occurred of the existence of such vacancy, shall call a special election to fill said vacancy. In case the vacancy is caused by the death of a Member, against whom there is pending no protest, while the Congress is not in session, the certification of the presiding officer of the House where the vacancy occurred regarding said vacancy shall be sufficient basis for the President of the Philippines to call such special election. (C. A. 357-15) (Constitution)

SEC. 21. *Vacancy in elective provincial, city or municipal office.*—(a) Whenever a temporary vacancy in any elec-

tive local office occurs, the same shall be filled by appointment by the President if it is a provincial or city office, and by the provincial governor, with the consent of the provincial board, if it is a municipal office.

(b) Whenever in any elective local office a vacancy occurs as a result of the death, resignation, removal or cessation of the incumbent, the President shall appoint thereto a suitable person belonging to the political party of the officer whom he is to replace, upon the recommendation of said party, save in the case of a mayor, which shall be filled by the vice-mayor.

(c) Whenever the election for a local office fails to take place on the date fixed by law, or such election result in a failure to elect, the President shall issue, as soon as practicable, a proclamation calling a special election to fill said office.

(d) When a local officer-elect dies before assumption of office, or fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment.

(e) In case a special election has been called and held and shall have resulted in a failure to elect, the President shall fill the office by appointment.

(f) The person appointed or elected to fill a vacancy in an elective provincial, city or municipal office shall hold the same for the unexpired term of the office. (C. A. 357-16)

SEC. 22. *Call of special elections.*—Special elections shall be called by the President by proclamation for a date which shall not be earlier than thirty days nor later than ninety days from the date of the proclamation, which shall specify the offices to be voted for, and whether it is for the purpose of filling a vacancy. The Commission on Elections shall send copies of the proclamation, in number sufficient for due distribution and publication, to the provincial treasurer of each province concerned, who in turn shall publish it in their respective localities, by posting at least three copies thereof in as many conspicuous places in each of their election precincts, and a copy in each of the polling places and public markets, and in the municipal building. (C. A. 357-17) (C. A. 657)

SEC. 23. *Posting and translation of new Election Code.*—A printed copy of this Code in English or Spanish and in the national language, and whenever possible, in the local dialect shall be posted in a conspicuous way in every polling place on all registration and election days, so that it may be readily consulted by any person offering to register or to vote.

The translation of this Code into the national language and into the local dialects shall be made by the Institute of National Language. (C. A. 357-18)

SEC. 24. *Expenses of election.*—(a) The expenses of an election shall be advanced by the municipal treasurer concerned and shall be charged against the branch of the Government for which the election was held, and, if for more than one branch, against the corresponding branches of the Government, in equal parts.

(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, as may be necessary, by the province, and such municipality shall reimburse the same upon presentation of the proper bill. (C. A. 357-19)

SEC. 25. *Official mail and telegrams regarding elections.*—Papers connected with the elections required by this Code to be sent by some public officers to others in the performance of their duties shall be free of postage and sent as registered and rush mail. Telegrams of the same nature shall also be sent free of charge. (C. A. 357-20)

#### ARTICLE II.—*Candidacies and Eligibility of Candidates*

SEC. 26. *Automatic cessation of appointive officers and employees who are candidates.*—Every person holding a public appointive office or position shall *ipso facto* cease in his office or position on the date he files his certificate of candidacy. (C. A. 357-22)

SEC. 27. *Candidate holding office.*—Any elective provincial, municipal, or city official running for an office, other than the one which he is actually holding, shall be considered resigned from his office from the moment of the filing of his certificate of candidacy. (C. A. 666-2; last par.)

SEC. 28. *Disqualification to act on provincial boards and municipal councils.*—Any member of a provincial board or of a municipal council who is a candidate for office in any election, shall be incompetent to act on said body in the performance of the duties thereof relative to said election, and if, for such reason, the number of members should be unduly depleted, the President, if it is a provincial or city office and the governor if it is a municipal office, shall appoint any disinterested voter of the province, municipality or city concerned belonging to the political party of the incompetent member to act in his place on such matters. (C. A. 357-23)

SEC. 29. *Disqualification on account of violation of certain provisions of this Code.*—Any candidate who, in an action or protest in which he is a party, is declared by final decision of a competent court or tribunal guilty (a)

of having spent in his election campaign more than the total emoluments attached to the office for one year; or (b) of having solicited or received any contribution in connection with his election campaign from any of the corporations or entities mentioned in section forty-seven, or from any of the persons mentioned in section fifty-six; or (c) of having violated any one of sections forty-nine, fifty and fifty-one, shall be disqualified from continuing as a candidate, or, if he has been elected, from holding the office. (C. A. 357-24)

SEC. 30. *Ineligibility of officer found disloyal to the Government.*—When a special election is called for the purpose of filling a vacancy as a result of a protest on the ground of his disloyalty to the constituted Government, said officer shall be ineligible in such election, and his certificate of candidacy shall not be received nor shall the votes cast in his favor be counted. (C. A. 357-35)

SEC. 31. *Certificate of candidacy for only one office.*—No person shall be eligible unless, within the time fixed by law, he files a duly signed and sworn certificate of candidacy, nor shall any person be eligible for more than one office to be filled in the same election, and, if he files certificates of candidacy for more than one office, he shall not be eligible for any of them. (C. A. 357-26)

SEC. 32. *Contents of certificate of candidacy.*—The person concerned shall state in his certificate that he announces his candidacy for the office mentioned therein and that he is eligible for the office; the name of the political party which he belongs, if he belongs to any; and his post-office address for all election purposes. (C. A. 357-27)

SEC. 33. *Statement of the maternal surname.*—In case when there are two or more candidates for an office with the same name and surname, each one, upon being made aware of such fact, shall state his paternal and maternal surnames, with the exception of the one who has last held said office, which candidate may continue to use the name and the surname stated in his certificate of candidacy when he was elected. (C. A. 357-28)

SEC. 34. *Nicknames.*—Certificates of candidacy shall not contain nicknames of the candidates. (C. A. 357-29)

SEC. 35. *Certificates of candidacy filed by political group or political party.*—Certificates of candidacy of candidates may be filed by a political party nominating them without the signature or oath of said candidates.

Any political party having officially nominated candidates shall file with the Commission on Elections a certificate of such official nominations subscribed under oath by the president and secretary or corresponding officers of such political group or party. (C. A. 666-2)

If two or more certificates of candidacy for different elective offices are filed by different political parties in favor of the same candidate, the certificate of candidacy filed by the party to which said candidate belongs shall prevail, unless the candidate concerned shall decide otherwise.

If a candidate who files his own certificate of candidacy for an elective office is also nominated by one or more political parties for other elective offices, the certificate filed by the candidate himself shall govern. (C. A. 725-2, pars. 2, 3)

SEC. 36. *Filing and distribution of certificates of candidacy.*—At least sixty days before a regular election, and thirty days at least before a special election, the certificates of candidacy shall be filed with the office hereinbelow mentioned, together with a number of clearly legible copies equal to four times the number of polling places: *Provided*, That with respect to certificates of candidacy of candidates for President, Vice-President and Senators, ten copies thereof shall be filed with the Commission on Elections which shall order the preparation and distribution of copies of the same to all the election precincts of the Philippines. The certificates shall be distributed as follows:

(a) Those of candidates for national offices, with the Commission on Elections, which shall immediately send copies thereof to the secretary of the provincial board of each province where the elections are to be held, and the latter officer shall in turn immediately forward copies to all the polling places. The Commission on Elections shall communicate the names of said candidates to the secretary of the provincial board by telegraph. If the certificate of candidacy is sent by mail, it shall be by registered mail, and the date on which the package was deposited in the post-office may be considered as the filing date thereof if confirmed by a telegram or radiogram addressed to the Commission on Elections on the same date.

(b) Certificates of candidacy for provincial offices shall be filed with the secretary of the provincial board of the province concerned who shall immediately send copies thereof to all the polling places of the province and to the Commission on Elections.

(c) Certificates of candidacy for municipal offices shall be filed with the municipal secretary, who shall immediately send copies thereof to the polling places concerned, to the secretary of the provincial board, and to the Commission on Elections. (C. A. 357-30; C. A. 657)

SEC. 37. *Ministerial duty of receiving and acknowledging receipt.*—The Commission on Elections, the secretary of the provincial board, and the municipal secretary, in their



respective cases, shall have the ministerial duty to receive the certificates of candidacy referred to in the preceding section and to immediately acknowledge receipt thereof. (C. A. 357-31)

SEC. 38. *Candidates in case of death or disqualification of another.*—If, after the expiration of the time limit for filing certificates of candidacy, a candidate with a certificate of candidacy duly filed should die or become disqualified, any legally qualified citizen may file a certificate of candidacy for the office for which the deceased or disqualified person was a candidate in accordance with the preceding sections on or before midday of the day of the election, and, if the death or disqualification should occur between the day before the election and the midday of election day, said certificate may be filed with any board of inspectors of the political division where he is a candidate or, in the case of candidates to be voted for by the entire electorate, with the Commission on Elections. (C. A. 357-32; C. A. 657; C. A. 666)

### ARTICLE III.—*Contributions and Other Practices*

SEC. 39. *Definitions—In this Code.*—(a) The term “political committee” includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, whether it be a national or local committee of a political party or a branch thereof.

(b) The term “contribution” includes a gift, donation, subscription, advance, or deposit of money or anything of value and embraces a contract, promise, or agreement to contribute, whether it be legally enforceable or not.

(c) The term “expenditure” includes the payment or delivery of a contribution, advance, deposit, gift or donation of money or thing of value and includes a contract, promise or agreement to make an expenditure whether it be legally enforceable or not.

(d) The term “person” includes an individual, partnership, committee, association, corporation and any other organization or group of persons. (C. A. 357-33)

SEC. 40. *Contribution to political committees.*—(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure made by or on behalf of any political committee, for the purpose of influencing an election, until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of (1) all contributions made to or for such committee; (2) the true name and address of each contributor; (3) all expend-

itures made by or on behalf of such committee; and (4) the name and address of every person to whom any such expenditure is made and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill stating the particulars of every expenditure exceeding ten pesos in amount made by or on behalf of a political committee. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least one year after the holding of the election to which they pertain. (C. A. 357-34)

SEC. 41. *Account of contributions received.*—Every person who receives a contribution for a political committee shall, on demand of the treasurer and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date of its receipt. (C. A. 357-35)

SEC. 42. *Filing of statement by treasurer.*—The treasurer of a political committee shall file with the Commission on Elections, within the first ten days of every month, during the six months preceding a general election, or from the time of the publication of the call for any special election and within the thirty days following the holding of the election, a statement, complete as of the day next preceding the date of filing, of his account of contributions and expenditures together with the names and addresses of the contributors and persons receiving the expenditures. (C. A. 357-36)

SEC. 43. *Statements by candidates.*—Within thirty days after the holding of the election, every candidate shall file with the Commission on Elections, for such action as it may deem proper, a statement, complete as of the date next preceding the date of filing, which shall contain (1) a list of the contributions received by him or by another with his knowledge and consent, from whatever source, to help or support his candidacy or to influence the result of his elections together with the name and address of the contributor; (2) a statement of the expenditures made by him or by another with his knowledge and consent, in aid or support of his candidacy or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made. (C. A. 357-37)

SEC. 44. *Statement by other parties.*—Any other person who, prior to a regular or special election, should receive a contribution or should make an expenditure of one hundred pesos or more for election purposes, but not as a contribution to a political committee, shall file with the Commission on Elections a detailed statement of such con-

tribution of expenditure in the same manner as the treasurer of a political committee. (C. A. 357-38)

SEC. 45. *Form and preservation of statements.*—The statements required by this Code shall be under oath; shall be cumulative during the period prescribed therefor in the election to which they relate, but, where there has been no change in an item reported in a previous statement, only the amount thereof need be carried forward; shall be deemed properly filed on the date of their mailing by registered mail; shall be kept and shall constitute a part of the public records of the Commission on Elections; and shall be open to public inspection. (C. A. 357-39)

SEC. 46. *Prohibited collections of funds.*—It shall be unlawful for any person to hold balls, beauty contests, entertainments or cinematographic, theatrical, or other performances, during two months immediately preceding a regular or special election, for the purpose of raising funds for benefit purposes or for an election campaign, or for the support of any candidate. (C. A. 357-40)

SEC. 47. *Prohibited contributions.*—It shall be unlawful for any corporation or entity operating a public utility or which is in possession of or is exploiting any natural resources of the nation to contribute or make any expenditure in connection with any election campaign. (C. A. 357-41)

SEC. 48. *Limitation upon expenses of candidates.*—No candidate shall spend for his election campaign more than the total amount of the emoluments for one year attached to the office for which he is a candidate. (C. A. 357-42)

SEC. 49. *Unlawful expenditures.*—It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered to any person to induce one either to vote or withhold his vote, or to vote for or against any candidate, or any aspirant for the nomination or selection of a candidate of a political party, and it is unlawful for any person to solicit or receive directly or indirectly any expenditure for any of the foregoing considerations. (C. A. 357-43)

SEC. 50. *Unlawful electioneering.*—During registration and voting days, it is unlawful to solicit votes or undertake any propaganda for or against any candidate or any party within the polling place and within a radius of thirty meters thereof. (C. A. 357-44)

SEC. 51. *Prohibition regarding transportation, food and drinks.*—It is unlawful for any candidate, political committee, voter or any other person to give or accept, free of charge, directly or indirectly, transportation, food, or drinks during a public meeting in favor of any or several

candidates and during the three hours before and after such meeting, or on registration days, on the day preceding the voting and on the day of the voting; or to give or contribute, directly or indirectly, money or things of value for such purposes. (C. A. 357-45)

SEC. 52. *Intoxicating liquors—Prohibited stores, cockpits, boxing, and races.*—(a) It is unlawful to sell, furnish, offer or take intoxicating liquors on registration days and on the two days immediately preceding the day of the voting and during the voting and canvass.

(b) It is unlawful to establish in any polling place or within a radius of thirty meters thereof, on the days and hours of registration, voting and canvass, booths of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purpose.

(c) It is unlawful to hold on any registration or voting days cockfights, boxing, horse races, or any other similar show. (C. A. 357-46)

SEC. 53. *Deadly weapons.*—It is unlawful to carry deadly weapons in the polling place and within a radius of thirty meters thereof during the days for registration, voting and canvass. However, in cases of affray, tumult or disorder, any peace or public officer authorized to supervise the elections may carry firearms or any other weapons for the purpose of preserving order and enforcing the law. (C. A. 357-47)

SEC. 54. *Active intervention of public officers and employees.*—No justice, judge, fiscal, treasurer, or assessor of any province, no officer or employee of the Army, no member of the national, provincial, city, municipal or rural police force, and no classified civil service officer or employee shall aid any candidate, or exert influence in any manner in any election or take part therein, except to vote, if entitled thereto, or to preserve public peace, if he is a peace officer. (C. A. 357-48)

SEC. 55. *Soliciting contributions from subordinates prohibited.*—Public officers and employees holding political offices or not belonging to the classified civil service, though they may take part in political and electoral activities, shall refrain from soliciting contributions from their subordinates for partisan purposes. (C. A. 357-49)

SEC. 56. *Active intervention of foreigners.*—No foreigner shall aid any candidate, directly or indirectly, or take part in or to influence in any manner any election. (C. A. 357-50)

#### ARTICLE IV.—*Election Precincts*

SEC. 57. *Election precincts to be established.*—The unit of territory for the purpose of voting is the election pre-

cinct, and every municipality or municipal district shall have at least one.

The municipal council of each municipality shall fix ninety days before the day of the election the limits of all the election precincts, if there are more than one, within its territory. (C. A. 357-51)

SEC. 58. *Arrangement of election precincts.*—(a) The election precinct shall be so arranged that no precinct shall have more than two hundred and fifty voters, and each shall comprise, as far as practicable contiguous and compact territory.

(b) When it appears that an election precinct contains more than two hundred and fifty voters, the municipal council or board shall make such adjustment or new division as may be necessary.

(c) A municipality or a municipal district which has been merged with another municipality shall constitute at least one election precinct, if the distance between the remotest barrio of the merged municipality or district and the nearest polling place of the municipality to which it has been merged shall, by the shortest road, exceed five kilometers.

(d) An island or group of islands having one hundred and fifty or more voters shall constitute a precinct. (C. A. 357-52)

SEC. 59. *Publication of map of precincts.*—The municipal secretary shall post, in the municipal building and in the polling places and in three other conspicuous public places in each precinct, maps plainly showing the boundaries of the precinct, at least ten days before the first day fixed for the registration of voters of each election, and keep them posted until after the election is held. (C. A. 357-53)

SEC. 60. *Alteration of election precincts.*—Any alteration of the election precincts or the establishment of new ones shall be communicated to the provincial treasurer, together with the corresponding maps, which shall be published as prescribed in the preceding section. However, election precincts shall not be altered or new ones established within the ten days immediately preceding the date of a regular or special election. (C. A. 357-54)

SEC. 61. *Posting map of legislative districts.*—In the provinces which are divided into legislative districts, the provincial boards shall cause to be prepared an outline map of each district showing the location and the names of the municipalities or portions thereof included in the district. The secretary of the board shall send copies of the map to the Commission on Elections and shall keep them posted

for ninety days prior to the regular elections in the municipal building and in at least three other conspicuous places in each municipality comprised within the district. (C. A. 357-55)

ARTICLE V.—*Polling Places*

SEC. 62. *Designation of polling places.*—At least seventy days before each regular election, the municipal council shall designate in each election precinct a place as provided in this Code where the meetings of the board of inspectors for registration and the election shall be held. (C. A. 357-56)

SEC. 63. *Requirements for polling places.*—Each polling place shall be, as far as practicable, a ground floor hall of sufficient size to admit and comfortably accommodate forty voters at one time outside the guard rail for the board of inspectors. The polling place shall be located as centrally as possible with respect to the residence of the voters of the precinct, but it may be located also in the poblacion of the municipality upon petition of the majority of the voters of the precinct or by agreement of all the political parties, or by resolution of the municipal council, in subsequent elections after the election to be held on the second Tuesday of November, nineteen hundred and forty-seven. A public building having the foregoing requirements shall be preferred. (C. A. 357-57)

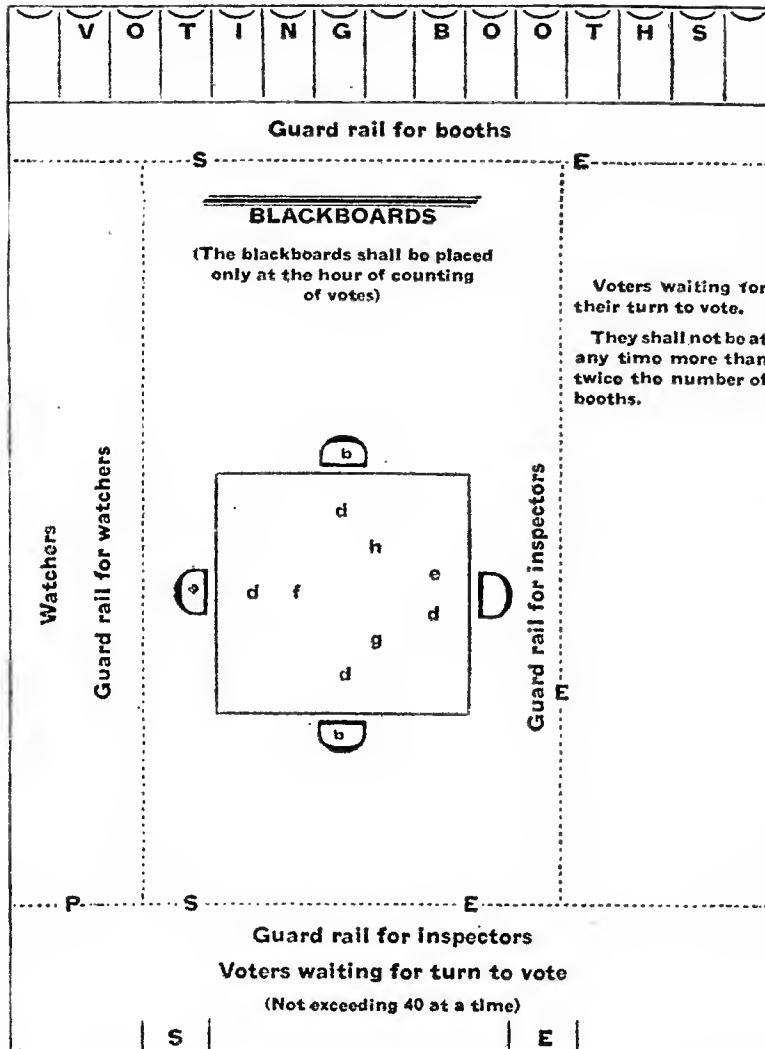
SEC. 64. *Buildings that shall not be used as polling places.*—No polling place shall be located in a building within the property or under the control of a private entity or of which a candidate, or a person who is related to a candidate within the third degree of consanguinity or affinity, or an officer of the Government, is the owner, lessee or occupant. (C. A. 357-58)

SEC. 65. *Signs and flags of polling places.*—Every polling place shall have in front a sign showing the precinct to which it belongs, and on the days of meeting of the board of inspectors the Philippine flag shall be hoisted at the proper height. (C. A. 357-59)

SEC. 66. *Change of polling places.*—After a polling place has been designated, its location shall not be changed until the next regular election, unless it is so ordered by competent authority, except in case it is destroyed or it can not be used. (C. A. 357-60)

SEC. 67. *Arrangement and contents of polling places.*—Each polling place shall conform as much as possible to the following sketch. (Refer to C. A. 357-61)

## SKETCH OF POLLING PLACE



SEC. 68. *Voting booths*.—During the voting there shall be in each polling place a booth for every twenty voters registered in the precinct. Each such booth shall have an opening on the side fronting the table of the inspectors and its three sides shall be closed with walls at least one meter wide and two meters high. The upper part shall be covered if necessary to preserve the secrecy of the ballot. Each booth shall have in the background a shelf so placed that voters can write thereon while standing and shall be kept clearly lighted, by artificial lights, if necessary, during the voting. (C. A. 357-62)

SEC. 69. *Guard rails*.—(a) In every polling place there shall be a guard rail between the voting booths and the table of the board of inspectors which shall have separate entrance and exit. The booths shall be so arranged that they can be accessible only by passing through the guard rail and by entering through its open side facing the table of the board of inspectors.

(b) There shall also be a guard rail for the watchers between the place reserved for them and the table for the board of inspectors and at a distance of not more than fifty centimeters from the latter so that the watchers may see and read clearly during the counting the contents of the ballots and see and count the votes recorded by the inspector on the corresponding tally sheets.

(c) There shall also be, if possible, guard rails separating the table of the board of inspectors from the voters waiting for their turn to cast their votes, with entrance and exit to give them orderly access to the table and the booths during the voting.

(d) The polling place shall be so arranged that the booths, the table, the ballot boxes and the whole polling place, except what is being written within the booths, shall be in plain view of the board of inspectors, the watchers and other person who may be within the polling place. (C. A. 357-63)

SEC. 70. *Ballot boxes*.—(a) There shall be in each polling place on the day of the voting two ballot boxes, one painted white and plainly marked "BOX FOR VALID BALLOTS" and a smaller one painted red plainly marked "BOX FOR SPOILED BALLOTS." The boxes of each kind shall be uniform throughout the Philippines and shall be solidly constructed and shall be closed with three different locks in such a way that they cannot be opened except by means of three distinct keys. Each of the keys shall, during the voting and counting of the votes, be in the hands of a different inspector. Immediately after the boxes are locked upon the completion of the counting, the six keys, of the two boxes shall be placed in three separate envelopes,



each one of which shall contain a key of the white box and another of the red box. Said envelopes shall be sealed and signed by all the members of the board of inspectors. The provincial commander or provost marshal or his authorized representative shall forthwith take delivery of said envelopes, signing a receipt therefor; he shall keep one under his custody and deliver one to the provincial treasurer and the other to the provincial fiscal. Said officials shall keep the envelopes containing the keys intact during a period of three months. Upon the lapse of this period, if before said date the courts did not order otherwise, the provincial commander or provost marshal and the provincial fiscal shall deliver to the provincial treasurer the envelopes for the keys under their custody.

(b) In case of the destruction or disappearance of the ballot boxes on the election day, the board of inspectors shall immediately report it, and the municipal treasurer shall furnish other boxes or receptacles as equally adequate as possible. (C. A. 357-64)

SEC. 71. *Blackboards*.—At the beginning of the counting there shall be placed upon the side of the booths in a place within plain view of the watchers and the public, blackboards where the names of all the registered candidates shall be written, and the poll clerk shall record thereon the votes received by each one of them as the chairman of the board of inspectors reads the ballots. (C. A. 357-65)

SEC. 72. *Pencils*.—In every polling place there shall be a sufficient quantity of indelible pencils for the use of the voters who may ask for them. (C. A. 357-66)

SEC. 73. *Furnishing of ballot boxes, forms, stationeries, and materials for election*.—The Commission on Elections shall prepare and furnish the ballot boxes, forms, stationeries, and other materials necessary for the registration of voters and the holding of the election. (C. A. 357-67)

SEC. 74. *Inspection of polling places*.—Before the day of the election, the Chairman of the Commission on Elections shall, personally or through a deputy, see to it that all polling places are inspected and such omissions and defects as may be found corrected. The Commission shall keep the reports on those inspections. (C. A. 357-68), (C. A. 657)

#### ARTICLE VI.—*Boards of Inspectors*

SEC. 75. *Appointment of election inspectors and poll clerks*.—Fifty days immediately prior to the date of a regular election, the Commission on Elections shall, directly or through its duly authorized provincial representatives, appoint a board of election inspectors for each election precinct, to be composed of three inspectors and a poll clerk, who shall hold office until their successors are appointed for

the next regular election, unless they are sooner relieved. Whenever in this Code mention is made of the board of inspectors or of members of the board of inspectors it shall be understood to include the poll clerk. (C. A. 357-69)

SEC. 76. *Representation of parties in the board of inspectors.*—The appointment of two inspectors and their substitutes shall be proposed by the party presenting candidates for election which polled the largest number of votes in the next preceding presidential election and one inspector and his substitute shall be proposed by the party also presenting candidates for election which polled the next largest number of votes in the Philippines if the said number constitutes at least ten *per centum* of the total number of votes cast in said election. The Commission on Elections shall appoint the poll clerks in each election precinct, who shall be public school teachers. The party affiliation of the candidates voted for shall be determined from their certificates of candidacy. The national directorates of political parties shall choose their respective representatives in each legislative district, who shall submit in writing, at least ten days before the date fixed for the appointment of the board of election inspectors, the names and addresses of the persons whom they propose to be appointed as election inspectors. If said representatives shall fail to propose the names of persons to be appointed as election inspectors, the Commission shall, at its discretion, choose said inspectors and their substitutes. (C. A. 357-70) (C. A. 657-5)

SEC. 77. *Representation of other political groups in the board of inspectors.*—If the party which polled the largest number of votes at the next preceding election fails to present any candidate in a legislative district, it shall not be entitled to representation in the board of election inspectors, and the party which polled the next largest number of votes as specified in the preceding section and which is entitled to propose the appointment of an election inspector and his substitute shall also be entitled to propose the appointment of the poll clerk. If the party which polled the next largest number of votes at the next preceding election fails to present any candidate in the legislative district, it shall not be entitled to representation in the board of inspectors.

In case the parties which polled the largest and the next largest number of votes at the next preceding election present only one set of candidates in the legislative district, they shall be entitled to propose the appointment of only one inspector, his substitute, and the poll clerk.

In such case and where only one of the parties specified in the preceding section is entitled to representation in

the board of inspectors, the appointment of the remaining inspector and his substitute shall be proposed by the political party which presents the largest number of candidates in the district, one candidate to correspond to each office, or if more than one political party presents the most number of candidates, by that first organized.

SEC. 78. *Relief of members of the board.*—Any member of the board of inspectors as well as his substitute may at any time be relieved from office and substituted with another having the legal qualifications, upon petition of the authorized representatives of the party upon whose nomination the appointment was made, and it shall be unlawful to prevent said person from, or disturb him in, the performance of the duties of the said office. A record of each case of substitution shall be made, setting forth therein the hour in which the replaced member has ceased in office and the status of the work of the board of inspectors. Said record shall be signed by each member of the board including the incoming and outgoing officers. (C. A. 357-74)

SEC. 79. *Vacancy in the board of inspectors.*—Every vacancy in the board of election inspectors shall be filled for the remaining period in the manner herein-before prescribed. (C. A. 357-75)

SEC. 80. *Definition of political party.*—Political party or, simply party, when used in this Code, means an organized group of persons pursuing the same political ideals in a Government and includes its branches and divisions. (C. A. 357-76)

SEC. 81. *Qualifications of members of the board.*—No person shall be appointed or act as member of the board of election inspectors, or as substitute, unless he is a qualified elector of the municipality, of good reputation, shall not have been convicted of any election offense or of any other crime punishable by more than six months of imprisonment or shall have pending against him an information for any election offense, and must know how to speak and write English, Spanish, the national language, or the local dialect. (C. A. 357-77)

SEC. 82. *In case of disqualification of a member of the board.*—In case a member of the board of inspectors shall become disqualified to continue acting as such, his office shall be immediately filled by the substitute until the appointment of his successor by the Commission on Elections, and, if the successor be likewise disqualified or cannot act for any reason whatsoever, the successor of the disqualified member shall be appointed as soon as possible upon the nomination by the party of the predecessor or by its authorized representatives.

SEC. 83. *Ineligibility of public officers and employees.*—Except in the case provided in sections fourteen and fifteen of this Code and the notaries public, no person holding a public office or who is a candidate for an elective office may be appointed member, or substitute of a member, of a board of inspectors. (C. A. 357-79)

SEC. 84. *Suspension and temporary substitution of officer who refuses to coöperate.*—Any officer who shall fail to comply with an order of the court or of any competent authority relative to the appointment of inspectors or poll clerks shall be immediately suspended and replaced temporarily by a person belonging to the party of the suspended officer, without prejudice to his criminal responsibility. (C. A. 357-80)

SEC. 85. *Certificate of appointment of member of board.*—The election inspectors and poll clerk shall receive an appointment in which the election precinct to which they may be assigned and the date of their appointment shall be stated. (C. A. 357-8)

SEC. 86. *Prohibition of political activity.*—No member of the board of election inspectors shall engage directly or indirectly in partisan political activities or take part in any election except to discharge his duties as such and except to vote. (C. A. 657-6)

SEC. 87. *Functioning of the board of inspectors.*—During the meetings of the board and especially during the voting and counting of the votes, not more than one member of the board shall absent himself from the polling place at a time, and in no case shall such absence be for more than twenty minutes. The board of inspectors shall act through its chairman, by the vote of the majority of its members, but the poll clerk shall have no vote in its proceedings. The board shall decide without delay all questions which may arise in the performance of its duties. (C. A. 357-82)

SEC. 88. *Temporary vacancies.*—If, at the time of the meeting of the board, any inspector or the poll clerk is absent, or the office is still vacant, the inspector present shall call upon the substitute of the absent member to perform the duties of the latter; and, in case such substitute cannot be found, the inspector present upon nomination by the representative of the party of the absent member or in his absence, by the watchers belonging to the party, shall appoint any qualified elector of the election precinct to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two inspectors present, they shall act jointly. (C. A. 357-83)

SEC. 89. *Arrest of absent member.*—The inspector or inspectors present may order the arrest of any inspector

or poll clerk or substitute thereof who, in their judgment, has absented himself with intention of obstructing the performance of the duties of the board. (C. A. 357-84)

SEC. 90. *Temporary designation of inspectors and poll clerks by watchers.*—If at the time in which the board must meet all the offices of inspectors and poll clerk are vacant, or if not one of them shall appear, the watchers present may designate qualified electors of the precinct to act in the place of the inspectors and the poll clerk until the absentees shall appear or the vacancies are filled. (C. A. 357-85)

SEC. 91. *Oath of the members of the board.*—The election inspectors and poll clerks, whether permanent, substitute or temporary, shall, before assuming their office, take and sign an oath, upon forms prepared by the Commission on Elections, before an officer authorized to administer oaths or, in his absence, before any other member of the board present, or in case no one is present, they shall take it before any elector. The oaths shall be sent immediately to the municipal treasurer. (C. A. 357-86)

SEC. 92. *Publicity of an order during the proceedings of the board.*—All meetings of the board of inspectors shall be public. The board shall have full authority to keep order within the polling place and its environs, to keep the access thereto open and unobstructed, and to enforce obedience to its lawful commands. If any person shall refuse to obey a lawful command of the board, or shall conduct himself in a disorderly manner in its presence or within its hearing and thus interrupt or disturb its work or the proceedings in connection with the registration, voting and counting of votes, the board may issue an order in writing directing any peace officer to take such offending person into his custody until the adjournment of the meeting; but such order shall not be so executed as to prevent the person so taken into custody from exercising his right to vote at such election. Such order shall be executed by any peace officer to whom it may be delivered, but if none shall be present, by any other person deputed thereto by the board in writing. (C. A. 357-87)

SEC. 93. *Official watchers of candidates.*—(a) During the registration of voters, voting and counting of the votes, and, in general, at all meetings of the board of inspectors, the watchers appointed by the candidates shall have the right to stay in the space reserved for them within the polling place. Every candidate for a national or provincial office, for mayor or vice-mayor, or for city councillor, shall have the right to have a watcher in every polling place, and the candidates for councillor of a mu-

nicipality or a municipal district of each party shall collectively have the right to appoint a watcher.

(b) The watchers shall have the right to witness and inform themselves of the proceedings of the board, to take notes of what they may see or hear, to file a protest against any irregularity which they believe may have been committed by the board of inspectors, to obtain from the poll clerk a certificate as to the filing of such protest or of the resolution thereon, and to read the ballots after they have been read by the inspectors, without touching them, but they shall not speak to the inspectors, or to the voters, or among themselves in such manner as to interrupt the proceedings. (C. A. 357-88)

SEC. 94. *Pay for inspectors and poll clerks.*—Every inspector and poll clerk shall be entitled to a per diem of ten pesos for every day of actual service in the meetings of the board, and for the day of the election they shall receive two days' per diem. (C. A. 257-89)

#### ARTICLE VII.—*List of Voters*

SEC. 95. *Permanent list of voters every twelve years.*—There shall be in each municipality or municipal district a permanent list of voters which shall be completely renewed every twelve years. The list of voters prepared in the elections which were held in nineteen hundred and forty-seven with such additions, cancellations, and corrections as may be proper, shall constitute the permanent list of voters until its renewal in nineteen hundred and fifty-nine. (C. A. 357-90; C. A. 725-3)

SEC. 96. *Necessity of registration to be entitled to vote.*—In order that a qualified elector may vote in any regular or special election, he must be registered in the permanent list of voters for the municipality in which he resides. (C. A. 357-91 with modifications)

SEC. 97. *Who may be registered in the list.*—All persons having complied with the requisites herein prescribed for the registration of voters shall be registered in the list, provided they possess the qualifications prescribed for a voter and they are not of those disqualified. Any person who may not have on the date of the registration the age or period of residence required may also be registered upon proof that on the date of the election he shall have such qualifications. (C. A. 357-92)

SEC. 98. *Qualifications prescribed for a voter.*—Every citizen of the Philippines, whether male or female, twenty-one years of age or over, able to read and write, who has been a resident of the Philippines for one year and of the municipality in which he has registered during the six months immediately preceding, who is not otherwise dis-

qualified, may vote in the said precinct at any election. (C. A. 257-93)

SEC. 99. *Disqualifications.*—The following persons shall not be qualified to vote:

(a) Any person who has been sentenced by final judgment to suffer one year or more of imprisonment, such disability not having been removed by plenary pardon.

(b) Any person who has been declared by final judgment guilty of any crime against property.

(c) Any person who has violated his allegiance to the Republic of the Philippines.

(d) Insane or feeble-minded persons.

(e) Persons who cannot prepare their ballots themselves. (C. A. 357-94)

SEC. 100. *Preparation of the permanent list of voters.*—For the preparation of the permanent list of voters in nineteen hundred and forty-seven and every twelve years thereafter, the board of inspectors of each election precinct shall hold four meetings in the place designated as polling place on the seventh Friday, seventh Saturday, sixth Friday, and sixth Saturday next preceding the date of the regular election to be held. At these meetings the board shall prepare as provided in this Code eight copies of the list of voters of the precinct wherein it shall register the additional electors applying for registration. (C. A. 357-95; C. A. 725-3)

SEC. 101. *Preparation of the list before other regular elections.*—For the preparation of the list before other regular elections, the board of inspectors of each election precinct shall hold meetings in the polling place on the seventh Saturday and sixth Saturday next before the day of the election. At these meetings, the board shall prepare and certify eight copies of the list of voters of the corresponding precinct transferring thereto the name of the voters appearing in the list used in the preceding election and including therein such new qualified voters as may apply for registration. (C. A. 357-96)

SEC. 102. *Preparation of list before any special election.*—For the preparation of the list of voters before a special election, the board of inspectors of each election precinct of the political division concerned shall hold a meeting in the polling place on the second Saturday following the date of the proclamation calling such election. At this meeting the board shall transfer the names of the voters appearing in the list used in the preceding election and shall include the new qualified electors applying for registration. (C. A. 357-97)

SEC. 103. *Transfer of voters from the permanent list to the current one.*—The transfer of the names of the voters of the precinct already registered in the list used in the

preceding election to the list to be made as provided for in the two preceding sections is a ministerial duty of the board, and any omission or error in copying shall be corrected *motu proprio*, or upon petition of the interested party, without delay and in no case beyond three days from the time such error is noticed; and if the board should refuse, the interested party may apply for such correction to the justice of the peace of the municipality or the justice of the peace of the capital, or to the Judge of the Court of First Instance of the province, or to the Commission on Elections in Manila, who shall decide the case without delay and in no case beyond one week from the date the petition is filed. The decision of the Judge of the Court of First Instance or the Commission on Elections, as the case may be, shall be final. (C. A. 357-98)

SEC. 104. *Cancellations and exclusions in the transfer of names.*—In transferring the names of the voters of the precinct from the list used in the preceding election to the current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who did not vote in two successive regular elections, and those who have become disabled or disqualified, upon motion of any member of the board or of any elector or watcher, upon satisfactory proof to the board and upon summons to the voter in cases of disqualification or disability. The motion shall be decided by the board without delay and in no case beyond three days from its filing. Should the board deny the motion, or fail to act thereon within the period herein fixed, the interested party may apply for such exclusion to the justice of the peace of the municipality or the justice of the peace of the capital, or the judge of the Court of First Instance of the province, or to the Commission on Elections in Manila, who shall decide the controversy without delay and in no case beyond one week from the date the petition is filed. The decision of the Court of First Instance or the Commission on Elections, as the case may be, shall be final. The poll clerk shall keep a record of these exclusions and shall furnish a copy thereof to the municipal treasurer, the register of deeds of the province, and the Commission on Elections, to be attached by them to the permanent list under their custody. (C. A. 357-99; C. A. 657)

SEC. 105. *Meeting to close the list of the voters before each election.*—The board of inspectors shall also meet on the second Saturday immediately preceeding the day of the regular election, or in the second day immediately preceding the day of the special election, whether it be Sunday or a legal holiday, for the purpose of making such inclusions, exclusions, and corrections as may be ordered by



the courts, stating opposite every name so corrected, added, or cancelled the date of the order and the court which issued the same; and for the consecutive numbering of the voters of the election precinct. (C. A. 257-100)

Should the board fail to include in the list of voters any person ordered by the competent court to be so included, said person shall, upon presentation of a certified copy of the order of inclusion and upon proper identification, be allowed by the board to vote.

Should the board fail to exclude from the list of voters any person ordered by the court to be so excluded, the board shall not permit said person to vote upon presentation to it by any interested party of a certified copy of the order of exclusion.

SEC. 106. *Re-registrations in the list.*—Voters who are registered in the permanent list of a municipality need not register anew therein, unless their residence is changed to another municipality in which case they shall have to register in the permanent list of their new residence, upon previous application for cancellation of their previous registration and except those who have been stricken out of the list upon their own petition or for not having voted in two successive regular elections, in which case, they may apply for registration, provided they preserve the legal qualifications of a voter. (C. A. 357-101, modified)

SEC. 107. *Registration in another municipality.*—Any voter who desires to transfer his registration to another municipality shall, at least ten days before the first registration day, file with or send by registered mail to the municipal treasurer of the municipality wherein he is registered a sworn petition in quadruplicate applying for the cancellation of his registration and giving his address at his new residence and the date on which he removed to his new residence. Upon receipt of the petition, the municipal treasurer shall strike out the name of the applicant from the copy of the list on file in his office and shall immediately send a copy of the petition to the proper board of inspectors, another to the register of deeds of the province and another to the Commission on Elections, who shall likewise strike out the name of the applicant from the copy of the list used in the last election under their custody. (C. A. 357-102, C. A. 657)

SEC. 108. *Meeting hours of the board.*—The meetings of the board of inspectors for the registration of voters shall commence at seven o'clock in the morning and shall continue until seven o'clock in the evening. They may be suspended for one hour only at midday. If upon the stroke of seven o'clock in the evening there are still within a distance of thirty meters in front of the polling place persons who wish to register, the board shall hand a card, signed

by one of its members and consecutively numbered, to each of such persons, and, upon the production of such card, if they have the prescribed qualifications, the board shall register them in the list at same meeting. (C. A. 357-103)

SEC. 109. *Voter's affidavit.*—Every person desiring to be registered in the list of voters shall, under oath taken before the board of inspectors, sign and affix the imprint of the thumb of his right hand to a statement in triplicate, wherein he shall state: His name and surname; place of birth; age on his last birthday; civil status; profession, occupation or trade; residence, giving his correct and exact address; that he possesses the qualifications required of a voter; and that he is not in any way legally disqualified from voting. The board of inspectors shall require that the thumbmark appear plainly printed. (C. A. 357-104)

SEC. 110. *Identification of voters.*—Any voter who is not known by the members of the board may be identified by any voter of the precinct, or by the production of his birth or baptismal certificate or of any identification card issued by the municipal treasurer. No fees nor documentary stamps shall be required on such documents. (C. A. 357-105)

SEC. 111. *Preservation of the voters' affidavits.*—A copy of the affidavit of each voter shall be kept by the board of inspectors until after the election, when it shall deliver it to the municipal treasurer together with the copies of the list of voters and other election papers for use in the next election. The other copy shall be sent by the board on the day following the date of the affidavit to the office of the register of deeds. The latter shall file and preserve the voters' affidavits by municipalities and in alphabetical order of their surnames. The third copy shall be handed to the voter with a certificate that he has been registered in the list of voters. (C. A. 357-106)

SEC. 112. *Columns in the list of voters.*—The list of voters shall be arranged in columns as follows: In the first column there shall be entered, at the time of the closing of the list before each election, a number opposite the name of each voter registered, beginning with number one and continuing in consecutive order until the end of the list. In the second column, the surnames generally used by such persons shall be written in alphabetical order followed by their respective christian names, without abbreviations of any kind. In the third column, the respective residence of such persons with the name of the street and number, or, in case there be none, a brief description of the locality or place shall be inserted. In the fourth column, there shall be put on the day of the election the numbers of the ballot which were given suc-

cessively to the voter. In the fifth column, the voter shall stamp on the day of the election the mark of the thumb of his right hand and under said mark his signature. And in the sixth column the signature of the member of the board who has handed the ballot to the voter. It will be sufficient that the fourth, fifth, and sixth columns shall be filled in the copy of the list under the custody of the member of the board who has handed the ballot to the voter. It shall be the duty of the board of inspectors to see to it that the thumbmark is stamped plainly. (C. A. 357-107)

SEC. 113. *Certificate of the board in the list of voters.*—Upon the adjournment of each meeting for the registration of voters, the board of inspectors shall close each alphabetical group of surnames of voters by writing the date on the next line in blank, which shall be forthwith signed by each member, and, before adding a new name on the same page at the next meeting, it shall write the following: "Added at the . . . meeting," specifying if it is the second, third or fourth meeting of the board. If the meeting adjourned is the last one for the registration of voters, the board shall, besides closing each alphabetical group of voters as above provided, add at the end of the list a certificate (a) of the corrections and cancellations made in the permanent list, specifying them, or that there has been none, and (b) of the total number of voters registered in the precinct. (C. A. 357-108)

SEC. 114. *Publication of the list.*—At the first hour of the working day following that of the registration of voters, the poll clerks shall deliver to the municipal treasurer a copy of the list certified to by the board of inspectors as provided in the preceding section; another copy, also certified, shall be sent to the register of deeds of the province, and another, likewise certified, shall be sent to the Commission on Elections, in whose offices said copies shall be open to public inspection during regular office hours. On the same day and hour, the poll clerk shall also post a copy of the list in the polling place in a secure place on the door or near the same at a height of a meter and a half, where it may be conveniently consulted by the interested parties. Each member of the board shall also have a copy of the list so prepared, which may be inspected by the public in the residence or office of said member during regular office hours. Immediately after the meeting for the closing of the list, the poll clerk shall also send a notice to the officials above named regarding the changes and the numbering above referred to, to be attached to the copy of the list under their custody. (C. A. 357-109; C. A. 657)

SEC. 115. *Challenge of right to register.*—Any registered voter or any person applying for registration may be challenged before the board of inspectors on any registration day by any inspector, elector, candidate, or watcher. The board shall then examine the challenged person and shall receive such other evidence as it may deem pertinent, after which it shall decide whether the elector shall be included in or excluded from the list as may be proper. All challenges shall be heard and decided without delay, and in no case beyond three days from the date the challenge was made.

After the question has been decided, the board shall give to each party a brief certified statement setting forth the challenge and the decision thereon. (C. A. 357-110)

SEC. 116. *Power of the board to administer oaths and issue summons.*—For the purpose of determining the right of applicants to be registered as voters in the list, the board of inspectors shall have the same powers possessed by justices of the peace to administer oaths, to issue *subpœna* and *subpœna duces tecum*, and to compel witnesses to appear and testify, but the latter's fees and the expenses incident to the process shall be paid in advance by the party in whose behalf the summons is issued. (C. A. 357-111)

SEC. 117. *Organization of judicial circuits.*—(a) The judge of the Court of First Instance of the Judicial District shall, at least fifteen days before the first registration day for each regular election, divide his district, for the purposes of this Code, into circuits composed of several municipalities in accordance with the distance and facilities of communication between them, and he shall for each one of them assign a justice of the peace who shall hear and decide petitions for any voter's inclusion in or exclusion from the list.

(b) The clerk of the Court of First Instance shall send to the municipal secretaries and to the boards of inspectors of the municipalities belonging to the judicial district a notice of the organization of the circuits and of the names, residences and office hours of the justices of the peace designated for such purpose and assigned thereto. Upon receipt of the notice of the clerk of court, the secretary shall post the same in a conspicuous place in the municipal building, and the board of inspectors shall do so likewise, in their polling place. (C. A. 357-112)

SEC. 118. *Jurisdiction in inclusion and exclusion cases.*—(a) The judge of the Court of First Instance and the justice of the peace of the capital shall have concurrent jurisdiction throughout the province, and the circuit justice of the peace shall have in the municipalities forming his circuit concurrent jurisdiction with the former over all matters

of inclusion in and exclusion of voters from the list, but the one to whom the application is first presented shall acquire exclusive jurisdiction thereon. However, if the judge of the Court of First Instance is in the province, the proceedings shall, upon petition of any interested party filed before the presentation of evidence, be remanded to the said judge who shall hear and decide the same in the first and last instance, within ten days from the date the records were received. Decisions of the justice of the peace may be appealed to the judge of the Court of First Instance within five days from receipt of notice by the parties. In case notice of appeal cannot be presented to the justice of the peace because of his absence, the interested party may lodge his appeal directly with the Court of First Instance which, upon receiving it, shall order the justice of the peace to forward the records of the case to the Court of First Instance within twenty-four hours from receipt of said order, and may make it effective by contempt proceedings. The Court of First Instance upon receiving the record will try and decide the case within ten days from the time the appeal was received.

(b) The circuit justice of the peace may hold sessions in any municipality of his circuit, the justice of the peace of the capital, in any municipality of the province, and the judge of the Court of First Instance, in any municipality in the judicial district, as they may deem fit, for the hearing and decision of the application, and the traveling expenses and *per diems* of the judge and his personnel shall be paid by the municipality to which the application corresponds and to which they go. (C. A. 357-113)

SEC. 119. *Application for inclusion of voters in the list.*—Any person whom the board of inspectors has refused to register or whose name has been stricken out from the list may apply, within twenty days after the last registration day, to the circuit justice of the peace, to the justice of the peace of the capital, or to the judge of the Court of First Instance of the province, for an order directing the board of inspectors to include or reinstate his name in the list, together with the certificate of the board of inspectors regarding his case and proof of service of notice of his application upon a member of the board of inspectors, with indication of the time, place, and court before which the application is to be heard. (C. A. 357-114)

SEC. 120. *Voters excluded through inadvertence or registered with an erroneous or misspelled name.*—Any voter registered in the permanent list, who has not been included in the list prepared for the next election or who has been included therein with a wrong or misspelled name, shall have the right to file an application on any date with the justice of the peace of the municipality, or with that of the

capital or with the judge of the Court of First Instance, for an order directing that his name be reinstated in the list or that he be registered with his correct name. He shall attach to such application a certified copy of the entry of his name in the list of the preceding election, together with proof that he has applied without success to the board of inspectors and that he has served notice thereof upon a member of the board. (C. A. 357-115)

SEC. 121. *Application for exclusion of voters from the list.*—Any registered voter in the municipality and any watcher or candidate may apply, within twenty days next following the last registration day, to the judge of the Court of First Instance, the justice of the peace of the capital, or the circuit justice of the peace, for the exclusion of a voter from the list, giving the name and the residence of the latter, the election precinct in which he is registered, and the grounds for the challenge. The application shall be sworn to and accompanied by proof of notice to a member of the board of inspectors and to the challenged voter. (C. A. 357-116)

SEC. 122. *Questions as to right of voter to be registered for special elections.*—On the registration day for special elections and on any of the following five working days, any voter's inclusion in, or exclusion from, the list may be requested upon application therefor filed with the judge of the Court of First Instance, or in his absence with the justice of the peace of the capital, in conformity with the general procedure prescribed for such cases, and, with such previous notice as may be practicable or may be required in the discretion of the judge, the latter shall decide the case as the law may warrant, within ten days following the day of the filing, and in no case shall the decision be rendered after the second day next prior to the election. (C. A. 357-117)

SEC. 123. *Common rules governing judicial proceedings in the matter of inclusion, exclusion, and correction of names of voters.*—(a) Outside of the regular office hours no application for inclusion, exclusion, or correction of names of voters shall be received.

(b) Notices to the members of the board of inspectors and to the challenged voters shall state the place, day and hour in which such application or motion shall be heard, and such notice may be made by sending a copy thereof by registered mail or by personal delivery to them, or by leaving it in the possession of a person of sufficient discretion in the residence of the said persons, or, in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place in the municipal building and in the polling place, at least ten days prior to the day set for the hearing.

(c) Each application shall refer to only one voter.

(d) No costs shall be assessed in these proceedings. However, if the judge should be satisfied that the application has been filed for the sole purpose of molesting the adverse party and causing him to incur expenses, he may condemn the culpable party to pay the costs and incidental expenses.

(e) Any candidate who may be affected by the proceedings may intervene and present his evidence.

(f) The decision shall be based on the evidence presented. If the question is whether or not the voter can read and write, such voter shall be personally examined before the court. In no case shall a decision be rendered upon a stipulation of facts.

(g) These applications shall be heard and decided without delay. The decision shall be rendered within six hours after the hearing and within ten days from the date of its filing or registration in court. Cases appealed or remanded to the judge of the Court of First Instance shall be decided within six hours after the hearing and within ten days after their receipt in the office of the clerk of Court. (C. A. 357-118)

#### ARTICLE VIII.—*Official Ballots*

SEC. 124. *Official ballots.*—There shall be separate ballots for national and local officers. The ballots for national offices shall be of yellow paper, and those for local offices shall be of white paper. The ballots of each kind shall be uniform throughout the Philippines and shall be provided at public expense. Said ballots shall be in the shape of a strip with stubs and coupons containing the detachable numbers of the ballots, and shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, and the words "Official Ballot," the name of the city or of the municipality and province in which the election is held, the date of the election, and the following notice: "Fill out this ballot secretly inside the booth. Do not put any distinctive mark in any part of this ballot."

The ballots for national offices shall be prepared in such manner that the voter may vote for a straight ticket of a political party or for individual candidates, and, for this purpose, the ticket of the regularly organized political parties that participated in the last preceding election for national officials, as certified under oath by the national directorates of the respective parties, shall be printed on said ballots, and there shall also be one column containing blank spaces for the names of candidates for elective national positions to be filled in said election, which spaces are to be filled by the voter who does not desire to vote.

a straight ticket. The following notice shall be printed on the ballots for national offices: "If you want to vote for all the official candidates of a political party to the exclusion of all other candidates, write the name of such political party in the space indicated. It shall then be unnecessary for you to write the names of the candidates you vote for. On the other hand, if you want to vote for candidates belonging to different parties and/or for independent or individual candidates, write in the respective blank spaces the names of the candidates you vote for and the names written by you in the respective blank spaces of the ballot shall then be considered as validly voted for."

(There shall not be anything on the reverse side of the ballot. There shall be in the coupon a space for the thumb-mark of the voter.) (C. A. 357-119; C. A. 666-3 with modifications)

Ballots in municipalities and in municipal districts where Arabic is of general use shall have each of the titles of offices to be voted printed in Arabic in addition to and immediately below the English title.

SEC. 125. *Manner of folding the ballots.*—The ballots shall be folded twice toward the bottom with the entire coupon and its detachable number visible. (C. A. 337-120)

SEC. 126. *Arrangement of the official ballots.*—The official ballots for national and local offices shall be bound in separate books of one hundred ballots each. Each ballot shall be joined by a perforated line to a stub numbered consecutively, beginning with number one in each municipality. Each ballot shall also have at its bottom a detachable coupon bearing the same number of the stub. Each book of ballots shall bear on its cover the name of the municipality in which the ballots are to be used and the numbers of the ballots contained therein, and shall be numbered consecutively from number one in each municipality. The Director of Printing, the provincial treasurer and the municipal treasurer shall respectively keep a record of the ballots furnished to the various provinces, cities, municipalities, municipal districts and election precincts. (C. A. 357-121)

SEC. 127. *Emergency ballots.*—No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the ballots on time, or where there are not sufficient ballots for all registered voters, or where they are destroyed at such time as shall render it impossible to provide other ballots, in which cases the provincial board, or if it has no time, the municipal treasurer shall procure from any available source another set which shall be as nearly like the official ones as circumstances will permit and which shall be uniform within each precinct. (C. A. 357-122)



SEC. 128. *Sample ballots.*—Boards of election inspectors shall be furnished with at least thirty sample ballots, in all respects like official ballots but printed on colored paper, to be shown to the public and used in demonstrating how to fill out and fold the official ballots properly. No name of any actual candidate shall be written on sample ballots, nor shall they be used for voting, nor shall they be counted. (C. A. 357-123)

SEC. 129. *Requisition for official ballots.*—(a) Ballots shall be furnished by the Director of Printing at the expense of the municipality upon requisition therefor by the provincial treasurer in the usual form. The requisition shall be for each municipality at the rate of one and one-half ballots for national offices and one and one-half ballots for local offices for every person registered in the list in the last preceding election. The requisition shall specify what offices are to be filled in each municipality.

(b) The requisition shall be made whenever possible at least seventy days before the date of the election.

(c) In the case of special elections, the Commission on Elections shall request the Director of Printing to furnish official ballots to the municipalities of the political division concerned in the same quantities furnished them in the last regular election, plus an additional number of ballots equivalent to ten *per centum* thereof. (C. A. 357-124; C. A. 657)

#### ARTICLE IX.—*Casting of Votes*

SEC. 130. *Voting hours.*—The casting of votes shall commence at seven o'clock in the morning and shall stop at six o'clock in the afternoon, except when there are voters present within thirty meters in front of the polling place who have not yet cast their votes, in which case the board of inspectors shall hand to each one a card numbered consecutively and signed by one of its members, and, upon the presentation of such card, the voter shall be allowed to vote after six o'clock in the afternoon. No card shall be given out before the board of inspectors has prepared a complete list of voters who have the right to receive cards. The names of the voters shall be consecutively numbered in said list. No card shall be given out to any voter arriving after said hour nor shall he be permitted to vote. (C. A. 357-125)

SEC. 131. *Preliminaries to the voting.*—The board of inspectors shall meet at the polling place one-half hour before the time fixed for the commencement of the voting and shall have four copies of the list of voters of the precinct, one under the care of each member who shall sign on its cover; the collection of the affidavits of the voters of the precinct, alphabetically arranged by the surnames; the box for valid ballots; the box for spoiled ballots; the official bal-

lots; sufficient quantity of pencils for the use of the voters; the forms to be used during the day; and all other materials which may be necessary. Immediately thereafter, the chairman shall open the ballot boxes one after the other, shall empty them, exhibit them to all those present, and being empty shall lock each box with three keys, the boxes to remain so locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the chairman may open the box for valid ballots, in the presence of the whole board and the watchers, and with his hands press down the ballots contained therein without removing any of them, after which the board shall close the box and lock it with its three keys as hereinbefore provided. (C. A. 357-126)

SEC. 132. *Persons allowed in and around the polling place.*—During the voting, no person shall be allowed within the polling place except the members of the board of inspectors and their substitutes, the watchers, the deputy supervisors of the Commission on Elections, the voters casting their votes, the voters waiting for their turn to get inside the booths, whose number shall not exceed at a time twice the number of booths, the voters who are waiting for their turn to cast their votes, whose number shall not exceed forty at any one time, and the peace officers in the service of the board for the preservation of order. The watchers shall stay only in the space reserved for them, it being illegal for them to enter places reserved for the voters or for the board or to mingle and talk within the polling place with the voters who have not yet voted. (C. A. 357-127)

SEC. 133. *Order of voting.*—The voters shall have the right to vote in the order of their entrance into the polling place. The voters shall have the right to freely enter the polling place as soon as they arrive unless there are more than forty voters waiting inside, in which case they have the right to enter in the order of their arrival as those who are inside go out, which the latter shall immediately do after having cast their votes. (C. A. 357-128)

SEC. 134. *Manner of obtaining ballots.*—The voter shall approach one of the inspectors or the poll clerk and shall give him his name and address together with other data concerning his person which appear in the registry list and which may be asked of him by any member of the board of inspectors. Said inspector or poll clerk shall then distinctly announce the voter's name in a clear manner and in a tone loud enough to be plainly heard throughout the polling place. If such person is entitled to vote and has not been challenged or if, having been challenged, the question has been decided in his favor, said inspector or poll clerk shall deliver to him two ballots correctly

folded, one for national offices and another for local offices in case said election shall coincide. The inspector or poll clerk shall not deliver the ballots to the voter without first entering their numbers in the corresponding columns of the registry list. No person other than the inspectors or the poll clerk shall deliver official ballots, nor shall more than one ballot of each kind be delivered at one time. (C. A. 357-129)

SEC. 135. *Manner of preparing the ballots.*—The voter, on receiving his ballots, shall forthwith retire to one of the empty voting booths and shall there fill his ballots by writing in the proper space for each office the name of the person for whom or the name of the party for which he desires to vote. No voter shall be allowed to enter a booth occupied by another voter, nor enter the same accompanied by somebody, nor stay therein for more than five minutes in case there are other voters who are waiting for their turn to vote, nor speak with anyone other than as herein provided while within the polling place. It shall be unlawful to prepare the ballots outside the voting booth or to exhibit their contents to any person, or to erase any printing from the ballots, or to intentionally tear or deface the same or put thereon any distinguishing mark. It is likewise unlawful to use carbon paper, paraffin paper, or other means for making a copy of the ballot or make use of any other means to identify the vote of the voter. (C. A. 357-130)

SEC. 136. *Disposition of spoiled ballots.*—If a voter shall soil or deface a ballot in such a way that it cannot lawfully be used, he shall surrender it folded to the inspector or poll clerk from whom he received it, and such inspector or poll clerk shall give another one, but no voter shall change his ballot more than twice. Each ballot given to a voter shall be announced in the polling place and the inspector or poll clerk who has given it shall record the fact of its delivery in his copy of the registry list. The spoiled ballot shall without unfolding it and without removing the detachable coupon be distinctly marked with the word "spoiled" and signed by the inspectors on the indorsement fold thereof and immediately placed in the box for spoiled ballots. (C. A. 357-131, modified)

SEC. 137. *Casting of vote.*—After his ballots are filled, the voter shall stamp his thumb-mark on the corresponding coupons and deliver the folded ballots to the inspector or poll clerk from whom he received them, and the latter, without seeing or exposing their contents, in the presence and view of the voter, shall verify and remove their numbers, shall deposit the ballots in the box for valid ballots, and shall place the numbers in the box for spoiled ballots. The voter shall forthwith affix his signature and the im-

print of the thumb of his right hand in the copy of the registry list of the inspector or poll clerk who gave him the ballots, in the column intended for that purpose, and the inspector or poll clerk shall in turn sign by the side of said thumb-mark. The voter shall then depart. At the time of casting a vote, any ballot whose detachable coupon has not been removed in the presence of the board and of the voter or whose number does not coincide with the number of the ballot delivered to the voter, as entered in the registry list, shall be considered spoiled and shall be so marked and signed by the inspectors. (C. A. 357-132)

SEC. 138. *Challenge of illegal voter.*—(a) Any voter or watcher may challenge any person offering to vote for not being registered in the list or for using the name of another. In such case, the board shall take the oath of the challenged person or shall otherwise satisfy itself as to whether or not the ground of the challenge is true.

(b) For the purpose of receiving and counting the vote, it shall be sufficient that the person so challenged present his voter's affidavit or a statement identifying him, subscribed and sworn to by a voter known to the board. This statement shall be attached to the minutes of the incident to be made at the time by the poll clerk. (C. A. 357-133)

SEC. 139. *Challenge based on ground of corrupt practices.*—Any voter, candidate, or watcher may, on the ground of corrupt practices in connection with the election, challenge any voter offering to vote. In such case the challenged person shall take oath before the board that he has neither received nor expects to receive, nor has paid, offered or promised to pay, nor has contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; that he has not made or received any promise to influence the giving or withholding of any such vote; and that he neither has made any bet nor is interested directly or indirectly in any bet which depends upon the result of the election. Upon the taking of such oath by the challenged person, the challenge shall be dismissed; but, in case of his refusal to take such oath, the challenge shall be sustained and his vote rejected. (C. A. 357-134)

SEC. 140. *Admission of challenged vote immaterial in criminal proceedings.*—The admission of the vote shall not be conclusive upon any court as to the legality of the registration or the casting of the vote of the challenged voter in a criminal action against such person for illegal registration or voting. (C. A. 357-135)

SEC. 141. *Record of challenges and oaths.*—The poll clerk shall keep a record of the challenges and the oaths taken in connection therewith as well as of the resolutions of the board in each case and, upon the termination of

the voting, shall certify that it contains all the challenges made. (C. A. 357-136)

SEC. 142. *Minutes of voting.*—After the voting the board of inspectors shall prepare and sign a statement setting forth the time in which the voting commenced and ended, the number of the official ballots received, how many of them were used and how many were left unused, the number of voters who cast their votes, how many were challenged during the voting, how many watchers were present, and how many protests were made by the watchers; and shall attach to the copy of the statement to be delivered to the municipal treasurer the record of the challenges of the voters and the list of the watchers and the record of their protests. (C. A. 357-137)

SEC. 143. *Prohibition of premature announcement of results of voting.*—No member of the board of inspectors shall, before termination of the voting, make any statement as to how many voted or how many failed to vote or any other fact tending to show or showing the state of the polls, nor shall he make any statement at any time, except as a witness before a court, as to how any person voted. (C. A. 357-138)

ARTICLE X.—*Counting of Votes by the Board  
of Inspectors*

SEC. 144. *Counting to be public and without interruption.*—As soon as the voting is finished, the board of inspectors shall publicly count the votes cast in the precinct and ascertain the result. The board shall not adjourn or postpone or delay the count until it shall be fully completed. (C. A. 357-139)

SEC. 145. *Excess ballots.*—Before proceeding to count the votes the board of inspectors shall count the ballots in the box for valid ballots without unfolding them or exposing their contents, except so far as to ascertain that each ballot is single, and shall compare the number of ballots in the box with the number of voters who have voted. If there are excess ballots they shall be replaced in the box and thoroughly mingled therein; and one of the inspectors designated by the board, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots for national or local offices, as the case may be, as may be equal to each excess and, without unfolding them, place them in a package which shall be marked "EXCESS BALLOTS FOR NATIONAL OFFICES" or "EXCESS BALLOTS FOR LOCAL OFFICES," as the case may be, and which shall be sealed and signed by the members of the board. The package shall be placed in the box for valid votes, but its contents shall not be read in the counting of votes. If, in the course of the examination, any ballots

of the same color shall be found folded together before they were deposited in the box, they shall be placed in the package for excess ballots. In case ballots with their detachable numbers be found in the box, such numbers shall be removed and deposited in the box for spoiled ballots, and, if ballots with the words "spoiled" be found in the box, such ballots shall likewise be placed in the box for spoiled ballots. (C. A. 357-140)

SEC. 146. *Marked ballots.*—The board of inspectors shall then unfold the ballots and determine whether there are any marked ballots, and, if any be found, they shall be placed in a package labeled "MARKED BALLOTS FOR NATIONAL OFFICES" or "MARKED BALLOTS FOR LOCAL OFFICES," as the case may be, which shall be sealed and signed by the members of the board and placed in the box for valid ballots, and shall not be counted. A majority vote of the board shall be sufficient to determine whether any ballot is marked or not. Non-official ballots which the board may find, except those which have been used as emergency ballots, shall be counted as marked ballots. (C. A. 357-141)

SEC. 147. *Box for spoiled ballots.*—The ballots deposited in the red box shall be presumed to be spoiled ballots, whether or not they contain such notation; but, if the board of inspectors shall find that during the voting any valid ballot has by mistake been placed in this box or any ballot separated as excess or marked has been erroneously placed therein and not in the proper package, the board shall open said box, after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously placed therein. It shall then prepare and sign a statement of such fact and lock the box with its three keys immediately thereafter. The valid ballots so withdrawn shall be mixed with the other valid ballots, and the excess or marked ballots shall be placed in their proper packages, which shall for such purpose be opened and again labeled, sealed, signed and kept as hereinbefore provided. (C. A. 357-142)

SEC. 148. *Manner of counting votes.*—The counting of votes shall be made in the following manner: The board shall separate the ballots for national offices and those for local offices and form separate piles of one hundred ballots of each kind fully extended, which shall be held together with rubber bands, with cardboards of the size of the ballots to serve as folders. The chairman of the board shall take the ballots of the first pile one by one and read, jointly with another inspector, the names of the persons voted and the offices for which they were voted in the order in which they appear thereon, assuming such a position as to enable all or at least a majority of the

watchers to read such names. The ballots for national offices shall be counted ahead of those for local offices. The other inspector shall record on the tally sheet, as the names voted for each office are read, the number of votes received by each candidate, each vote being recorded by a vertical line, except every fifth vote of the same candidate which shall be recorded by a diagonal line crossing the previous four vertical lines. The poll clerk shall do likewise on the blackboard. After finishing the first pile of ballots, the board shall determine the total number of the votes recorded for each candidate, the sum being noted on the tally sheet and on the blackboard. In case of discrepancy such recount as may be necessary shall be made. The ballots shall then be grouped together again as before the reading. Thereafter the same procedure shall be followed with the second pile of ballots and so on successively, taking care not to mix ballots for national and local offices. After all the votes of the precinct have been counted the board shall sum up the totals recorded for each candidate, and the aggregate sum shall be likewise recorded on the tally sheet and on the blackboard. It shall then place each pile of ballots in an envelope prepared for the purpose, and each envelope shall be closed, signed, and deposited in the box for valid ballots. The tally sheet on which the votes have been recorded and wherein the partial and total sums appear shall not be changed or destroyed but shall be kept in the box for valid ballots. (C. A. 357-143)

SEC. 149. *Rules for the appreciation of ballots.*—In the reading and appreciation of ballots the following rules shall be observed:

1. Any ballot where only the Christian name of candidate or only his surname appears is valid for such candidate, if there is no other candidate with the same name or surname for the same office; but when the word written in the ballot is at the same time the Christian name of a candidate and the surname of his opponent, the vote shall be counted in favor of the latter.

2. A name or surname incorrectly written which, when read, has a sound equal or similar to that of the real name or surname of a candidate shall be counted in his favor.

3. When the name of a candidate appears in two spaces of the ballot, it shall be counted in favor of the candidate for the office with respect to which he is a candidate. The vote for the office for which he is not a candidate shall be counted as stray.

4. When in a space in the ballot there appears a name that is erased and another clearly written, the ballot is valid for the latter.

5. Ballots which contain prefixes such as "Sr.", "Mr.", "Datu", "Don", "Guinoo", "Hon.", "Dr.", "Gob.", or suffixes like "hijo", "Jr.", "Segundo", are valid.

6. The erroneous initial of the name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct name of a candidate, or the erroneous intermediate initial between the correct name and surname of a candidate does not annul the vote in favor of the latter.

7. The fact that there exists a person who is not a candidate with the name or surname of a candidate does not prevent the adjudication of the vote to the latter.

8. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them the board may employ any person who upon oath can do so impartially.

9. The use of nicknames and appellations of affection and friendship, if accompanied by the name or surname of the candidate, does not annul such vote, except when they were used as a means to identify their respective voters.

10. Any ballot written with crayola, lead pencil or with ink, wholly or in part, is valid.

11. Where there are two or more candidates voted for an office for which the law authorizes the election of only one person, the ballot shall not be counted in favor of any of them, but this shall not affect the validity of the other votes contained therein.

12. If the candidates voted for senators, for councillors or for other offices for which the election of two or more candidates is required exceeds the number to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter until the authorized number is covered.

13. Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself, shall be void and counted as a stray vote but shall not invalidate the whole ballot.

14. Ballots containing the name of a candidate printed and posted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.

15. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall not be valid, but this shall not invalidate the whole ballot.

16. When there are two or more candidates for an office with the same name or surname, the voter shall, in order that his vote may be counted, add the correct name, sur-



name or initial that will identify the candidate for whom he votes.

17. Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.

18. Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the name and surname of a candidate, or in other parts of the ballot, traces of the letters "t", "j", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing, and unintentional or accidental flourishes, strokes, or stains, shall be considered innocent and shall not invalidate the ballot.

19. If a voter has written on the proper space of his ballot for national offices nothing more than the name of a political party which has duly nominated official candidates, said ballot shall be deemed as a vote for each and every one of the official candidates of such party for the respective offices.

20. If a voter should vote for individual candidates for national offices, only the names of the candidates written by him in the respective blank spaces of his ballot shall be considered as validly voted for even though he has written on the corresponding space the name of a political party which has nominated official candidates.

21. The accidental tearing or perforation of a ballot does not annul it.

22. Failure to remove the detachable number from a ballot does not annul such ballot.

23. Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void. (C. A. 357-144; C. A. 666)

SEC. 150. *Statement of the count.*—Immediately after the count, the board of inspectors shall make, complete and sign a written statement thereof in quadruplicate. The statement shall show the date of the election, the name of the municipality and the number of the election precinct in which it was held, the total number of yellow and white ballots found in the box for valid ballots, the total number of yellow and white ballots withdrawn from the box for spoiled ballots because they were erroneously placed therein, the total number of yellow and white excess ballots, the total number of yellow and white rejected ballots, and the total number of votes polled by each candidate, writing out the said number in words and figures, and, at the end of the statement, the board shall

make a certificate signed by all its members present that the contents of the statement are correct. The statements should be contained, if possible, in a single sheet of paper, but, if this is not possible, each sheet of every copy shall be signed on its margin by all the inspectors. (C. A. 357-145)

SEC. 151. *Proclamation of the result of the election in the polling place.*—Upon the completion of the statements of the election returns in the precinct, the chairman of the board of inspectors shall orally and publicly announce the total number of votes polled in the said election in the said precinct by each and every one of the candidates, naming them for each one of the offices. (C. A. 357-146)

SEC. 152. *Distribution of the statements.*—Immediately after the announcement of the result of the election in the polling place, the board shall place one of the copies of the statement in the box for valid ballots, deliver one to the municipal treasurer, send another copy by registered mail to the provincial treasurer, and another, likewise by registered mail, to the Commission on Elections. It shall at the same time and in like manner distribute the copies of the statement made after the voting. The municipal treasurer and the postmaster shall have an agent or representative in the polling place to receive the statement of the board therein, and the representative of the provincial commander or provost marshal assigned to receive the keys of the ballot boxes shall then perform his duty. (C. A. 357-147)

SEC. 153. *Certificate of the number of votes polled by the candidates for an office.*—After the publication of the result of the election and before leaving the polling place, it shall be the duty of the board of inspectors to issue a certificate of the number of the votes received by a candidate, or by the opposing candidates for a national or provincial office, for city councillor, or for mayor or vice-mayor, to the watchers who may request them. All the members of the board shall sign the certificate. (C. A. 357-148; C. A. 725-7, par. 2)

SEC. 154. *Alterations in the statement.*—After the announcement of the result of the election in the polling place, the board of inspectors shall not make any alteration or amendment in any of its statements, unless it be so ordered by a competent court. (C. A. 357-149)

SEC. 155. *Delivery of the ballot boxes and election documents to the municipal treasurer.*—Upon the termination of the counting of votes, the board of inspectors shall place in the box for valid ballots the packages of ballots hereinbefore referred to, the unused ballots, the tally sheets, a copy of the statements of the voting and of the count, and the minutes of its proceedings, shall lock the box

with its keys and immediately deliver it to the municipal treasurer, and for this purpose, said official shall keep his office open all night on the day of the election, if necessary, and shall provide the necessary facilities for said delivery at the expense of the municipality. The box for spoiled ballots, likewise locked, shall be delivered in the same manner to the municipal treasurer. The voters' affidavits, the applications for cancellation of registration in the registry list, the four copies of the registry list and the other papers and documents of the board of inspectors shall likewise be delivered at the same time to the municipal treasurer. (C. A. 357-150)

SEC. 156. *Duty of the municipal treasurer to require the return of the election materials.*—The municipal treasurer shall, on the day after the election, require the members of the board who have failed to send the objects referred to in the preceding section to deliver the same to him immediately.

The municipal treasurer shall acknowledge receipt in detail of the boxes and documents received by him, stating their condition and the date of their delivery. (C. A. 357-151).

SEC. 157. *Preservation of the boxes and disposition of their contents.*—The municipal treasurer shall keep the boxes unopened in his possession in a secure place and under his responsibility for three months, unless they are the subject of an official investigation, or a competent court or tribunal shall demand them sooner, or the competent authority shall order their preservation for a longer time in connection with any pending contest or investigation. Upon the lapse of said time and if there should be no order to the contrary, the municipal treasurer shall, in the presence of the mayor and two councilors, open the boxes and burn their contents except the copy of the statements of the voting and of the counting of votes deposited therein, which he shall take and keep, and except the unused or blank ballots which, together with the unused election forms which may be in his possession, he shall send to the Director of Printing for use in future elections or for conversion into scratch pads to be used by the National Government or by the provinces or municipalities which may requisition for them at cost price. (C. A. 357-152)

#### ARTICLE XI.—*Provincial and Municipal Canvassers*

##### 1. ELECTION FOR NATIONAL AND PROVINCIAL OFFICERS

SEC. 158. *Provincial board of canvassers.*—The provincial board of canvassers shall be composed of the provincial governor, the members of the provincial board, the provincial treasurer, the provincial auditor and the provincial fiscal. In Manila and other chartered cities it shall be com-

posed of the mayor, the municipal board or city council and the city fiscal. (C. A. 357-153)

SEC. 159. *Incapacity and substitution of provincial canvassers.*—In cases of absence or incapacity for any cause of the members of the provincial board of canvassers, the Commission on Elections may appoint as substitutes the superintendent of schools, the district engineer, the district health officer, the register of deeds, the clerk of the Court of First Instance, or the justice of the peace of the capital. In chartered cities the Commission may appoint the officers corresponding to those enumerated. (C. A. 357-154)

SEC. 160. *Canvass by the provincial board.*—The provincial board of canvassers shall meet as soon as possible within the fifteen days next following the day of the election, and the provincial treasurer shall then produce before it the statements of the election returns in the different precincts which may have been delivered to him.

As soon as all the statements are before it but not later than fifteen days next following the date of the election, the provincial board of canvassers shall proceed to make a canvass of all the votes cast in the province for national, provincial and city candidates, and upon the completion of the canvass, shall make, as the case may be, separate statements of all the votes received by each candidate for the offices of President and Vice-President, Senator, and Member of the House of Representatives for each legislative district and by each candidate for provincial or city office. Upon the completion of the statements, the board shall proclaim in accordance therewith, who has been elected to the House of Representatives from each legislative district and who has been elected to each provincial and city office. With regard to the election of President and Vice-President, the board shall certify and transmit by registered mail the returns as provided in the Constitution. With regards to the election of Senators, the board shall merely state and certify the number of votes polled by the candidates therefor and shall forthwith send by registered mail the corresponding statements to the Commission on Elections. The candidates may appoint watchers to be present at, and take note of, all the proceedings of the provincial board of canvassers and of the committees and subcommittees which the board may appoint. (C. A. 357-155; C. A. 666; C. A. 725-10)

SEC. 161. *When statements are missing.*—In case some statements are missing, the board shall, by messenger or otherwise, obtain such missing statements, and the fiscal shall forthwith institute criminal proceedings against the person or persons who may be criminally responsible for such delay. (C. A. 357-156)

SEC. 162. *Material defects in form of the statements.*—If it should clearly appear that some requisite in form has been omitted in the statements, the board shall return them by messenger or by another more expeditious means, to the corresponding boards of inspectors for correction. Said statements, however, shall not be returned for a recount of the ballots or for any alteration of the number of votes set forth therein. (C. A. 357-157)

SEC. 163. *When statements of a precinct are contradictory.*—In case it appears to the provincial board of canvassers that another copy or other authentic copies of the statement from an election precinct submitted to the board give to a candidate a different number of votes and the difference affects the result of the election, the Court of First Instance of the province, upon motion of the board or of any candidate affected, may proceed to recount the votes cast in the precinct for the sole purpose of determining which is the true statement or which is the true result of the count of the votes cast in said precinct for the office in question. Notice of such proceeding shall be given to all candidates affected. (C. A. 357-158)

SEC. 164. *Distribution of the statements.*—Copies of the statement of the result of the election for Member of the House of Representatives and for provincial and city office shall be made in quadruplicate and signed by the members of the provincial board of canvassers present and sealed with the seal of the provincial government. A copy of the statement shall be filed by the provincial treasurer in his office, another sent immediately by registered mail to the Commission on Elections, another to the House of Representatives, and another to each of the respective candidates who received the largest number of votes in the province or city. (C. A. 357-159; C. A. 657; C. A. 666; C. A. 725)

SEC. 165. *Election resulting in tie.*—Whenever in any election for Member of the House of Representatives or for provincial or city officials it shall appear from the canvass that two or more candidates have received the largest number of votes, the board of canvassers, after recording this fact in the corresponding statement, shall, upon ten days' notice to all the tied candidates so that they may be present if they so desire, hold another public meeting at which it shall proceed to the drawing of lots of the candidates who have tied and shall proclaim as elected that candidate who may be favored by luck, and the candidate so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote. The board shall forthwith make a statement of the procedure followed in the drawing of lots, of its result, and of the subsequent proclamation. Certified copies of said statement shall be sent to the Commission on Elections and to each one of the

tied candidates. In the case of the candidates for representative, a certified copy shall also be sent to the House of Representatives. (C. A. 357-160; C. A. 657; C. A. 666; C. A. 725)

SEC. 166. *Canvass of votes for President, Vice-President and Senators.*—Thirty days after the elections have been held, the Commission on Elections shall meet in session and shall publicly count the votes cast for Senators. The registered candidates in the number of Senators required to be elected who obtained the highest number of votes shall be declared elected. A copy of such statement shall be furnished to the Secretary of the Senate and to each elected candidate.

In case it shall appear from the canvass of all votes for Senators that two or more candidates have received the same number of votes for the last place in the number to be elected, the Commission on Elections, after recording this fact in the corresponding statement, shall, upon three days' notice to all the tied candidates so that they may be present if they so desire, hold another public session at which it shall proceed to the drawing of lots of the candidates who have tied in the same manner as in the case of candidates for Member of the House of Representatives and shall proclaim the candidate who may be favored by luck. The candidate so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote. The Commission on Elections shall forthwith make a statement of the procedure followed in the drawing of lots, of its results, and of the subsequent proclamation. Certified copies of the statement of the Commission on Elections shall be sent to the Secretary of the Senate and to each one of the tied candidates. (C. A. 725-10, 11)

Within fifteen days after the thirtieth day of December next following the election, the Congress shall assemble in joint session and canvass the returns of the votes cast for President and Vice-President as provided in the Constitution. (C. A. 725-12)

## 2. ELECTION FOR MUNICIPAL OFFICERS

SEC. 167. *Municipal board of canvassers.*—(a) The municipal council shall constitute the municipal board of canvassers, excluding the members who are candidates and who shall be replaced by the Commission on Elections with registered voters of the same party.

(b) For the first election in a new municipality, the provincial board shall act as board of canvassers to proclaim the result of the municipal election. (C. A. 357-161; C. A. 657)

SEC. 168. *Canvass of the election for municipal offices.*—The municipal board of canvassers shall meet immediately after the election. The municipal treasurer shall produce before it the statements of election from the different election precincts filed with him, and the board shall count the votes cast for candidates for municipal offices and proclaim as elected for said offices those who have polled the largest number of votes for the different offices, in the same manner as hereinbefore provided for the provincial board, and to that end it shall have the same powers including that of resorting to the court in the case of contradictory statements. The municipal board of canvassers shall not recount the ballots nor examine any of them but shall proceed upon the statements presented to it. In case of contradictions or discrepancies between the copies of the same statements, the procedure provided in section one hundred and sixty-three of this Code shall be followed.

SEC. 169. *Statement of municipal canvass.*—Immediately after the completion of the canvass, the municipal board of canvassers shall make a statement in quadruplicate of the result, which statement shall be signed by the members of the board present; a copy of the same shall be filed with the municipal secretary, another with the municipal treasurer, another with the provincial treasurer, and another with the Commission on Elections. (C. A. 357-163; C. A. 657)

SEC. 170. *Tie.*—In case of a tie between candidates for any municipal office, lots shall be drawn between the tied candidates in the same meeting of the board of canvassers and under its direction, and the one favored by luck shall be proclaimed elected. This procedure shall be recorded in a statement. (C. A. 357-164)

SEC. 171. *Assumption of office.*—Every candidate for a municipal office proclaimed elected by the municipal board of canvassers shall assume office, notwithstanding the pendency in the courts of any contest against his election, without prejudice to the final decision thereof. (C. A. 357-165)

## ARTICLE XII.—*Election Contests*

SEC. 172. *Contest for disloyalty of the candidate elected.*—Any elector may contest the election of a provincial or municipal officer-elect on the ground of disloyalty to the Republic of the Philippines by filing a petition for *quo warranto* within the same period and in accordance with the same procedure prescribed in section one hundred seventy-three. (C. A. 357-166; C. A. 657)

SEC. 173. *Procedure against an ineligible person.*—When a person who is not eligible is elected to a provincial or municipal office, his right to the office may be contested by

any registered candidate for the same office before the Court of First Instance of the province, within one week after the proclamation of his election, by filing a petition for *quo warranto*. The case shall be conducted in accordance with the usual procedure and shall be decided within thirty days from the filing of the complaint. A copy of the decision shall be furnished the Commission on Elections. (C. A. 357-167; C. A. 657)

SEC. 174. *Contested elections for provincial and municipal offices.*—A petition contesting the election of a provincial or municipal officer-elect shall be filed with the Court of First Instance of the province by any candidate voted for in said election and who has presented a certificate of candidacy, within two weeks after the proclamation of the result of the election. Each contest shall refer exclusively to one office, but contests for the offices of the vice-mayor and councillor may be consolidated in a single case. (C. A. 357-168)

SEC. 175. *Judicial counting of votes in contested elections.*—Upon the petition of any interested party, or *motu proprio*, if the interests of justice so require, the court shall immediately order that the copies of the registry lists, the ballot boxes, the election statements, the voters' affidavits, and the other documents used in the election be produced before it and that the ballots be examined and the votes recounted, and for such purpose it may appoint such officers as it may deem necessary and shall fix the compensation of each at not less than five pesos but not more than fifteen pesos for every election precinct which they may completely revise and report upon. (C. A. 357-169)

SEC. 176. *Procedure.*—(a) Notice of the protest contesting the election of a candidate shall be served upon him by means of a summons at the post-office address stated in his certificate of candidacy, except when the protestee, without waiting for the summons, has made the court understand that he has been notified of the protest or has filed his answer thereto.

(b) The protestee shall answer the protest within five days after being summoned or, in case there has been no summons, from the date of his appearance and in all cases before the commencement of the hearing of the protest. The answer shall deal only with the election in the precincts which are covered by the allegations of the protest.

(c) Should the protestee desire to impugn the votes received by the protestant in other precincts, he shall file a counter-protest within the same period fixed for the answer, serving a copy thereof upon the protestant by registered mail or by personal delivery or through the sheriff.

(d) The protestant shall answer the counter-protest within three days after notice.



(e) If no answer shall be filed to the protest or to the counter-protest within the time limits respectively fixed, a general denial shall be deemed to have been entered.

(f) In election contest proceedings, the registry list, as finally corrected by the board of inspectors, shall be conclusive in regard to the question as to who had the right to vote in said election.

(g) The other defeated candidates voted for may, within the time limit prescribed for the filing of the protest, intervene in the case as other contestants and ask for affirmative relief in their favor by a petition in intervention, which shall be considered as another protest, except that it shall be substantiated within the same proceedings. Their intervention in any other manner shall not be allowed. (C. A. 357-170)

SEC. 177. *Decision of the contest.*—The court shall decide the protest within six months after it is presented in case of a municipal office, and within one year in case of a provincial office, and shall declare who among the parties has been elected, or, in the proper case, that none of them has been legally elected. The party who in the judgment has been declared elected shall have the right to assume office as soon as the judgment becomes final. A copy of such final judgment shall be furnished the Commission on Election. (C. A. 357-171)

SEC. 178. *Appeal from the decision in election contests.*—From any final decision rendered by the Court of First Instance in protests against the eligibility or the election of provincial governors, members of the provincial board, city councillors, and mayors, the aggrieved party may appeal to the Court of Appeals or to the Supreme Court, as the case may be, within five days after being notified of the decision, for its revision, correction, annulment or confirmation, and the appeal shall proceed as in a criminal case. Such appeal shall be decided within three months after the filing of the case in the office of the clerk of the court to which the appeal has been taken. (C. A. 357-172)

SEC. 179. *Preferential disposition of contests.*—The court of first instance and the appellate courts, in the respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall hear and decide them without delay, within the time limits fixed by law, whether they are holding regular sessions or not. (C. A. 357-173)

SEC. 180. *Bond or cash deposit.*—Before the courts shall take cognizance of a protest or a counter-protest or admit an appeal, the party who has filed the pleading or interposed the appeal shall file a bond with two sureties satisfactory to the court and for such amount as it may fix, to answer for the payment of all expenses and costs inci-

dental to said motion or appeal, or shall deposit with the court cash in lieu of the bond or both as the court may order. The court in which the contest is pending shall for good reason order from time to time that the amount of the bond or cash deposit be increased or decreased, or order the disposition of such deposit as the course of the contest may require. In case the party who has paid the expenses and costs wins, the court shall assess, levy and collect the same as costs from the losing party. (C. A. 357-174)

SEC. 181. *Notice of contests to the Secretary of the Interior and the Commission on Elections.*—The clerk of the court wherein an election contest has been instituted and that of the court to which an appeal in said proceedings has been taken shall give to the Secretary of the Interior and the Commission on Elections immediate notice thereof as well as of its final disposition. If the decision be that none of the parties has been legally elected, he shall certify such decision to the Secretary of the Interior and the Commission on Elections in the case of a provincial office, and in the case of a municipal office to the Secretary of the Interior, to the Commission on Elections and to the provincial board. (C. A. 357-175; C. A. 657)

SEC. 182. *Contests before the Electoral Tribunals of Congress.*—In contests under their respective jurisdiction, the Electoral Tribunals of the Senate and the House of Representatives shall have and exercise the same powers which the law confers upon the courts, including that of summarily punishing contempts, ordering the taking of depositions, the arrests of witnesses for the purpose of compelling their appearances and the production of documents and other evidence, and the compulsory payment of costs and expenses which it may have assessed against the parties and their bondsmen; of giving notices of its decisions, resolutions, and orders and enforcing them through the officials charged with the enforcement of judicial orders; and of making the necessary rules for the effective performance of their constitutional functions. All the expenses of the said Tribunals and of their respective members shall be paid from the funds of the House of Congress to which each Tribunal pertains, and their telegrams and correspondence shall be transmitted free of charge. (C. A. 357-176; Resol. No. 73 re: amendments to the Constitution on bicameral legislature)

#### ARTICLE XIII.—*Penal Provisions*

SEC. 183. *Election offenses and their classification.*—Violation of any of the provisions of sections fourteen, fifteen, sixteen, seventeen, twenty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-five, fifty-six, seventy, seven-

ty-eight, eighty-one, eighty-two, eighty-three, ninety-two, ninety-three, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy shall be serious election offenses; and that of any of the provisions of sections twenty-two, twenty-three, thirty-seven, fifty-two, fifty-three, fifty-four, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy-one, seventy-two, seventy-four, seventy-five, seventy-six, eighty-four, eighty-seven, ninety-one, ninety-six, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and seventeen, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven, one hundred and forty-one, and one hundred and eighty-one shall be less serious.

SEC. 184. *Persons criminally responsible.*—The principals, accomplices, and accessories shall be criminally responsible for election offenses and for attempt to commit the same. If the one responsible be an entity, its president or chief, the officials and employees of the same performing duties connected with the offense committed, and its members who may be principals, accomplices or accessories, shall be responsible, in addition to the responsibility of such entity. (C. A. 357-178)

SEC. 185. *Penalties.*—Any one found guilty of a serious election offense shall be punished with imprisonment of not less than one year and one day but not more than five years; and any one guilty of a less serious election offenses, with imprisonment of not less than six months but not more than one year. In both cases the guilty party shall

be further sentenced to suffer disqualification to hold a public office and deprivation of the right of suffrage for not less than one year but not more than nine years; and to pay the costs; and, if he were a foreigner, he shall, in addition, be sentenced to deportation for not less than five years but not more than ten years, which shall be enforced after the prison term has been served. An entity found guilty shall be sentenced to pay a fine of not less than five thousand pesos but not more than one hundred thousand pesos, which shall be imposed upon such entity after criminal action has been instituted against the same in which its legal representative shall be summoned by notice or by publication. (C. A. 357-179, modified)

SEC. 186. *Common crimes*.—Acts and omissions relative to elections not punishable under this Code but which constitute common crimes shall be punished as provided in the penal laws applicable thereto. (C. A. 357-180)

SEC. 187. *Jurisdiction of Court of First Instance*.—The Courts of First Instance shall have exclusive original jurisdiction to make preliminary investigations, issue warrants of arrest and try and decide any criminal action or proceeding for violation of this Code. From its decision and appeal shall lie as in other criminal cases. (C. A. 357-181)

SEC. 188. *Prescription*.—Election offenses shall prescribe after two years from the date of their commission, but if the discovery of such offenses be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final. (C. A. 357-182)

#### ARTICLE XIV.—*Final Provisions*

SEC. 189. *Forms*.—The forms for the observance of the provisions of this Code shall be issued by the Commission on Elections, but the forms observed prior to the taking effect of said Code may be followed if in accordance with the provisions thereof until changed by the Commission on Elections. (C. A. 357-183, modified; C. A. 657)

SEC. 190. *Repeal of laws*.—Commonwealth Acts Numbered Three hundred and fifty-seven, Six hundred and fifty-seven, Six hundred and sixty-six, Seven hundred and twenty-five, and all other acts or parts of acts inconsistent with this Code are hereby repealed.

SEC. 191. *Pending actions*.—Pending actions and causes of action which arose before this Code becomes effective shall be governed by the previous laws.

SEC. 192. *Effectivity of this Code*.—This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 1051

[REPUBLIC ACT No. 181]

## AN ACT PRESCRIBING THE ORDER OF PRESIDENTIAL SUCCESSION

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. When neither the President-elect nor the Vice-President-elect shall have qualified, or in the event of the removal, death, or resignation of both the President and the Vice-President, or of the inability of both of them to discharge, the powers and duties of the office of President, the President of the Senate, or if there be none, or in the event of his removal, death, resignation, or of his inability to act as President, the Speaker of the House of Representatives, or if there be none, or in the event of his removal, death, resignation, or of his inability to act as President, the Senator or Representative elected by the Members of the Congress in joint session shall act as President of the Philippines until the President or President-elect or the Vice-President or Vice-President-elect shall have qualified, or until their disability shall be removed, or a President shall have been elected and shall have qualified.

SEC. 2. Commonwealth Act Numbered Sixty-eight and Executive Order Numbered Three hundred and ninety are repealed.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 773

[REPUBLIC ACT No. 182]

## AN ACT TO REQUIRE PUBLICATION IN A TAGALOG NEWSPAPER OF APPLICATIONS FOR LICENSES TO CONDUCT FIRST AND SECOND CLASS BARS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section twenty-five hundred and seventeen of the Revised Administrative Code, as amended, is further amended to read as follows:

"SEC. 2517. *Publication of notice of application for bar licenses or renewal thereof.*—No application for a license, or for a renewal thereof, to conduct a first or a second class bar, shall be received until the applicant or applicants shall have, at his or their own expense, published a notice in six consecutive editions of one Spanish or Tagalog, and one English newspaper of general circulation, which notice shall be in such form as the mayor may determine, and shall set forth the fact that, on a certain date, it is pro-

posed by such applicant or applicants to make application for a license to conduct a bar in the building situated on a specified street and at a specified number. Such notice shall be signed by the applicant or applicants and copies of the newspapers containing the notice shall be filed with the application."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 1301

[REPUBLIC ACT NO. 183]

### AN ACT CREATING RIZAL CITY

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. This Act shall be known as the Charter of Rizal City.

#### ARTICLE I.—General Provisions

SEC. 2. *Territory of Rizal City.*—The Rizal City which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Pasay in the Province of Rizal.

The President of the Philippines may, by executive order, increase the territory of Rizal City by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest.

SEC. 3. *Corporate charter of the city.*—Rizal City constitutes a political body corporate and is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. *Seal and general powers of the city.*—The city shall have a common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to the final judgment and execution, and exercise all powers hereinafter conferred.

SEC. 5. *The city not liable for damages.*—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the Municipal Board, the Mayor, or any other city officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Municipal Board, Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 6. *Jurisdiction of the city.*—The jurisdiction of Rizal City for police purposes shall be coextensive with its

territorial jurisdiction, and shall extend to three miles from the shore into the Manila Bay; and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

ARTICLE II.—*The Mayor*

SEC. 7. *The Mayor—His appointment and compensation.*—The Mayor shall be the chief executive of the city. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office at the pleasure of the President.

He shall receive a salary of not exceeding six thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding two thousand pesos per annum.

SEC. 8. *The Vice-Mayor.*—There shall be a Vice-Mayor who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office at the pleasure of the President. He shall act as Mayor and perform the duties and exercise the powers of the Mayor, in the event of sickness, absence, or other permanent or temporary incapacity of the Mayor and he shall, when occupying the position of Mayor, be entitled to the salary and allowances of the Mayor.

The Vice-Mayor, when not acting as Mayor shall be ex-officio member of the Municipal Board.

SEC. 9. *The Acting Mayor.*—In the event of sickness, absence, or their temporary incapacity of the Mayor and Vice-Mayor, or in the event of a vacancy in the positions of Mayor and Vice-Mayor, the City Treasurer shall perform the duties of the Mayor until said office of the Mayor shall be filled in accordance with law. If, for any reason, the duties of the office of the Mayor cannot be performed by the Vice-Mayor or City Treasurer, said duties shall be performed by the City Engineer. In case of incapacity of the officials mentioned above to perform the duties of the Mayor, the President shall appoint or designate one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed or designated is other than a Government official, he shall receive the same compensation.

SEC. 10. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have im-

mediate control over the executive and administrative functions of the different departments of the city, subject to the authority and supervision of the Secretary of the Interior. He shall have the following general powers and duties:

(a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.

(b) To safeguard all the land, buildings, records, moneys, credits, and other property and rights of the city, and, subject to the provisions of this Charter, have control of all its property.

(c) To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.

(e) To see that the executive officers and employees of the city properly discharge their respective duties.

(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city over whom he has executive supervision and control at least once a year, and whenever occasion arises. For this purpose he shall be provided by the Municipal Board with such clerical or other assistance as may be necessary.

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

(h) To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinances.

(i) To submit to the Municipal Board at least two months before the beginning of each fiscal year a budget of receipts and expenditures of the city.

(j) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.

(k) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.

(l) To exempt, with the concurrence of the division su-



perintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof.

(m) To take such emergency measures as may be necessary to avoid fires, floods, and effects of storms and other public calamities.

(n) To submit an annual report to the Secretary of the Interior.

(o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 11. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior at not exceeding two thousand four hundred pesos per annum.

The secretary shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the Mayor, and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and shall charge twenty centavos for each one hundred words including the certificate, such fees to be paid directly to the City Treasurer.

### ARTICLE III.—*The Municipal Board*

SEC. 12. *Constitution and organization of the Municipal Board—Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be composed of the Mayor, who shall be its presiding officer, the Vice-Mayor, who shall be ex-officio councilor when not acting as Mayor, and seven councilors, who shall be elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Election Code. In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

If any member of the Municipal Board should be a candidate for office in any election, he shall be disqualified to act with the Board in the discharge of the duties conferred

upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance, or they may choose some disinterested elector of the city to act with the Board in such matters in his stead.

The members of the Municipal Board shall receive ten pesos for each day of attendance of the session of the Board.

**SEC. 13. *Qualifications, election, suspension and removal of Members of Board.***—The members of the Municipal Board shall be qualified electors of the city, residents therein for at least one year, and not less than twenty-three years of age. Upon qualifying, the members-elect shall assume office on the date fixed in the Election Code until their successors are elected and qualified.

If for any reason the election fails to take place on the date fixed by law, or such election results in a failure to elect one or more of the members, the President shall issue as soon as practicable a proclamation calling a special election to fill said office. Whenever the member-elect dies before assumption of office, or, having been elected, his election is not confirmed by the President for disloyalty, or such member-elect fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment. Vacancies occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

The members of the Municipal Board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the Board.

**SEC. 14. *Appointment, salary and duties of Secretary of Board.***—The Board shall have a secretary who shall be appointed by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance approved by the Secretary of the Interior, at not exceeding three thousand six hundred pesos per annum. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in

form, with the inscription "Municipal Board—Rizal City" and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board; shall cause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words including the certificate, the fees to be paid directly to the city treasurer and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 15. *Method of transacting business by the Board—Veto, authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the Board shall hold one ordinary session for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary session, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Five members of the Board shall constitute a *quorum* for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but any other measure shall prevail upon the majority votes of the members present at any meeting duly called and held. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Board, signed by the presiding officer and the secretary of the Board and recorded in a book for the purpose, and shall, on the day following its passage, be posted by the secretary at the main entrance of the City Hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed ordinance, if re-passed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution, or motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of six members of the Board, and again forwarded to the Mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the Secretary of the Interior for his approval or disapproval, which shall be final. The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of any ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items of which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

The Secretary of the Interior shall have full power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the Municipal Board if he finds said ordinance, resolution or motion or parts thereof, beyond the powers conferred upon the Board.

SEC. 16. *General powers and duties of the Board.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the Municipal Board shall have the following legislative powers:

(a) To provide for the levy and collection of taxes for general and special purposes in accordance with law including specifically the power to levy real property tax not to exceed two *per centum ad valorem*.

(b) To make all appropriations for the expenses of the government of the city.

(c) To fix with the approval of the Department Head the number and salaries of officials and employees of the city not otherwise provided for in this Act.

(d) To authorize with the approval of the Department Head the free distribution of medicines to the employees and laborers of the city whose salary or wage does not exceed sixty pesos per month or two pesos and fifty cen-

tavos per day; of fresh or evaporated native milk to indigent mothers residing in the city and of bread and light meals to indigent children of ten years or less of age residing in the city, the distribution to be made under the direct supervision and control of the Mayor.

(e) To fix the tariff of fees and charges for all services rendered by the city or any of its department, branches or officials.

(f) To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.

(g) To establish and maintain schools as provided by law and with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

(h) To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the vocational schools and in those higher institutions supported by the city.

(i) To establish and maintain an efficient police force and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes, and persons convicted of violating any of the ordinances of the city.

(j) To establish and maintain an official fire force and provide engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

(k) To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.

(l) To regulate the use of lights in stables, shops, and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, skyrockets, and other pyrotechnic display, and to fix the fees for such permits.

(m) To make regulations to protect the public from conflagration and to prevent and mitigate the effects of famine, floods, storms, and other public calamities, and provide relief for persons suffering from same.

(n) To regulate and fix the amount of the license fees for the following: Hawkers, peddlers and hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies,

advertising agencies, beauty parlors, massagists, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding houses, livery garages, lively stables, boarding stables, dealers in large cattle, public billiard tables, laundries, cleaning and dying establishment, public warehouses, circuses, and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, slot machines, merry-go-rounds, pawnshops, dealers in second-hand merchandise, junk dealers, brewers, distillers, rectifiers, money changers and brokers, public ferries, theaters, theatrical performances and places of amusements, and keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread, and other provisions.

(o) To tax and fix the license fees on dealers in new automobiles or accessories or both, and retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, those retail dealers shall be classified as (a) retail dealers in general merchandise, and (b) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods.

(p) To tax, fix the license fee for, regulate the business and fix the location of, match factories, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and subject to the rules and regulations issued by the Director of Health in accordance with law, tanneries, renderies, tallow chandleries, embalmers, and funeral parlors, bone factories and soap factories.

(q) To impose tax on motor and other vehicles, and draft animals not paying any national tax: *Provided*, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the city shall be exempt from such tax.

(r) To regulate the method of using steam engines and boilers, and all other motive powers other than marine or those belonging to the Government of the Philippines; to provide for the inspection thereof and for a reasonable fee for such inspection, and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(s) To enact ordinances for the maintenance and preservation of peace and good morals.

(t) To regulate and fix the license fees for the keeping of dogs, to authorize their impounding and destructing when running at large, contrary to ordinances, and to tax and regulate the keeping or training of fighting cocks.

(u) To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(v) To prohibit and provide for the punishment of cruelty to animals.

(w) To regulate the inspection, weighing, and measuring of brick, lumber, coal, and other articles of merchandise.

(x) To prohibit the establishment or operation of dance halls, cabarets, and cockpits.

(y) Subject to the provisions of subsection (f) of section nineteen hundred one of the Administrative Code, to provide for the laying out, construction, and improvement, and to regulate the use, of streets, avenues, alleys, sidewalks, wharves, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees, for, and prohibit the use of the same for processions, signs, signposts, awnings, awning post, the carrying or displaying of banners, placards, advertisements, or handbills, or the flying of signs, flags, or banners, whether along, across, over or from buildings, along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse or other offensive matter or matters liable to cause damage in the streets and other public places, and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the author or owners thereof; to provide for the construction and maintenance, and regulate the use, of bridges, viaducts, and cul-

verts; to prohibit or regulate ball playing, kite playing, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horses and other animals; motor and other vehicles, cars, and locomotives within the limits of the city; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; unless otherwise provided by law, to provide for and change the location, grade, and crossing of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, and to construct and repair ditches, drains, sewers, and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(z) To provide for the construction and maintenance of, and regulate the navigation on, canal and water courses within the city and provide for the clearing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance, and regulate the use, of public landing places or airfields, and of those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary rules and regulations issued in accordance with law.

(aa) Subject to the provisions of the Public Service Law, to fix the charges to be paid by all watercraft landing at or using public wharves, dock, levees, or landing places owned, operated, managed or controlled by the city.

(bb) To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix, subject to the provisions of the Public Service Law, and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(cc) To provide for the establishment and maintenance, and regulate the use, of public drains, sewers, latrines, and cesspools.

(dd) Subject to the rules and regulations issued by the Director of Health in accordance with law, to provide for the establishment, maintenance and regulation and fix the fees for the use of public stables, laundries and baths, and public market and prohibit the establishment or operation within the city limits of public markets by any person, entity, association, or corporation other than the city.



(ee) To establish or authorize the establishment of slaughterhouses, to provide for their veterinary or sanitary inspection, to regulate the use of the same, and to charge reasonable slaughter fees. No fees shall be charged for veterinary or sanitary inspection of meat from large cattle or other domestic animals slaughtered outside the city, when such inspection was had at the place where the animals were slaughtered.

(ff) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment, or service open to the public within the city limits; to regulate and provide for the inspection of all gas, electric telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution, or removal of the same when defective or dangerous.

(gg) To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so after sixty days from the date of serving a written notice, the cost thereof to be assessed to the owner to the extent of not to exceed sixty *per centum* of the assessed value, which cost shall constitute a lien against the property; and to regulate or prohibit or fix the license fees for the use of the property on or near public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of bill boards or structures of whatever material erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

(hh) To provide for the enforcement of the rules and regulations issued by the Director of Health, and by ordinance to prescribe penalties for violations of such rules and regulations.

(ii) To extend its ordinance over all waters within the city, over any boat or other floating structures thereon and, for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(jj) To tax, fix the license fee for, and regulate the sale, trading in or disposal of, alcoholic or malt beverages, wines, and mixed or fermented liquor including tuba, basi, or tapuy, offered for retail sale.

(*kk*) To regulate any other business or occupation not specifically mentioned in the preceding paragraphs, and to impose a license fee upon all persons engaged in the same or who enjoy privileges in the city.

(*ll*) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act.

(*mm*) To fix the date of the holding of a fiesta in the city not oftener than once a year and to alter, not oftener than once in three years, the date fixed for the celebration thereof.

(*nn*) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this Act, and to fix the penalties for the violation of ordinances, which shall not exceed a two hundred-peso fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 17. *Restrictive provisions.*—No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the Mayor shall decide that any sign, signboard, or billboard displayed or exposed in public view is offensive to the sight or is otherwise a nuisance, he may order the removal, of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order, he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become lawful charge against any person or property liable for the creation or display thereof.

#### ARTICLE IV.—*Department and Offices of the City*

SEC. 18. *City Department.*—There shall be a finance department, an engineering department, a law department, a police department and a fire department. Unless otherwise provided by law, the Mayor shall have general supervisory control over all the city departments.

The Municipal Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and, with the approval of the President, may consolidate any department, division or office of the city with any other department, division or office.

SEC. 19. *Powers and duties of Heads of Departments.*—Each head of department of the city government shall be

in control of such department and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. At least four months before the beginning of each fiscal year, he shall prepare and present to the Mayor an estimate of the appropriation necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the Mayor as often as required reports covering the operations of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the city departments, the officer next in charge of that department shall act in his place with authority to sign all necessary papers, vouchers, requisitions, and so forth.

SEC. 20. *Appointment and removal of officials and employees.*—The President of the Philippines shall appoint, with the consent of the Commission on Appointments, two judges and two auxiliary judges of the municipal court, the city treasurer, the city engineer, the city attorney, and three assistant city attorneys, the chief of police, the chief of the fire department, and the other heads of such city departments as may be created. Except the judges and the auxiliary judges of the municipal court, said officers shall hold office at the pleasure of the President.

All other officers and employees of the city whose appointment is not otherwise provided for by law shall be appointed by the Mayor upon the recommendation of the corresponding city department head in accordance with the Civil Service Law, and they shall be suspended or removed in accordance with said law.

SEC. 21. *Officers not to engage in certain transactions.*—It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

ARTICLE V.—*Finance Department*

SEC. 22. *The city treasurer—His powers, duties and compensation.*—There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of not exceeding four thousand eight hundred pesos *per annum*. He shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinances, all rents due for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all costs, fees, fines and forfeitures imposed by the municipal court.

(b) He shall collect all miscellaneous charges made by the engineering department and by the other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installations, maintenance, and services rendered in the operation of the private privy system.

(c) He shall collect, as deputy of the Collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the Government of the Republic of the Philippines upon property or persons in Rizal City, depositing daily such collections in any depository bank of the Government.

(d) Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers generally, as well as the other duties imposed upon him by law.

(e) He shall purchase and issue all supplies, equipment or other property required by the city, through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

(f) He shall be accountable for all funds and property of the city and shall render accounts in connection therewith as may be prescribed by the Auditor General.

(g) He shall deposit daily all municipal funds and collections in any bank duly designated as Government depository.

(h) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the Municipal Board for their administrative information a statement of the appropriation, expenditures and balances of all funds and accounts as of the last day of the month preceding.

ARTICLE VI.—*Engineering Department*

SEC. 23. *The City Engineer—His powers, duties and compensation.*—There shall be a city engineer, who shall be in charge of the Department of Engineering and Public Works. He shall receive a salary of not exceeding four thousand eight hundred pesos *per annum*. He shall have the following powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such service in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the Mayor.

(c) He shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same.

(d) He shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality.

(e) He shall have the care of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places, and public buildings.

(f) He shall have the care of all public streets, parks, and bridges, and shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city.

(g) He shall have the care and custody of all public docks, wharves, piers, levees, and landing places owned by the city.

(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.

(i) He shall have general supervision and inspection of all private locks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same.

(j) He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain and regulate the use of the same, in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system.

(k) He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city.

(l) He shall inspect and report upon the conditions of public property and public works whenever required by the Mayor.

(m) He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department.

(n) He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city.

(o) With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances; and shall cause buildings or structures dangerous to the public to be made secure or torn down.

(p) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

SEC. 24. *Execution of authorized public works and improvement.*—All repair or construction of any work or public improvement, except parks, boulevards, streets or alleys, involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder, after public advertisement in the *Official Gazette* for not less than ten days, by the Mayor upon the recommendation of the city engineer: *Provided, however,* That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In the case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary

with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulations, prescribed.

ARTICLE VII.—*Law Department*

SEC. 25. *The City Attorney—His powers and duties.*—The city attorney shall be chief legal adviser of the city. He shall receive a salary not exceeding four thousand eight hundred pesos *per annum*. He shall have the following powers and duties:

(a) He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

(c) He shall, when requested, attend meetings of the Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instrument already drawn.

(d) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city departments, upon any question relating to the city or the rights or duties of any city officer thereof.

(e) He shall, whenever it is brought to his knowledge that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the Mayor.

(f) He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by *subpoena*, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance.

(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Rizal and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the city health officer.

(i) He shall at all times render such professional services as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

(j) He shall perform the duties prescribed by law for register of deeds.

SEC. 26. *Assistant City Attorneys.*—The three assistant city attorneys shall assist the city attorney in the exercise of his powers and performance of his functions, and shall discharge such other duties as may be assigned to them by law or ordinances, and shall each receive a compensation of not more than three thousand six hundred pesos *per annum*.

#### ARTICLE VIII.—*Police Department*

SEC. 27. *The chief of Police—His powers, duties and compensation.*—There shall be a chief of police who shall have charge of the police department. He shall receive a salary of not exceeding three thousand six hundred pesos *per annum*. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law, for the government of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of person and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any person arrested for violation of any city ordinance.



(d) He shall have authority, within the police limits of the city, to serve and execute criminal processes of any court.

(e) He shall be the deputy sheriff of the city, and as such he shall, personally or by representative, attend the sessions of the municipal court, and shall execute, promptly and faithfully, all writs and processes of said court.

(f) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

SEC. 28. *Chief of secret service.*—There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

The chief of secret service shall receive a salary of not exceeding one thousand eight hundred pesos *per annum*.

SEC. 29. *Peace officers—Their powers and duties.*—The Mayor, the chief of police, the chief of secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime, or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessels or take into custody any person therein suspected of being concerned in such crime or breach of the peace and any property suspected of having been stolen and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain and arrest person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

ARTICLE IX.—*Fire Department*

SEC. 30. *Chief of fire department—His powers and duties and compensation.*—There shall be a chief of fire department who shall have charge of said department. He shall receive a salary of not exceeding two thousand four hundred pesos *per annum*. He shall have the following general powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

(b) He shall have charge of the fire engine houses, fire engine, hose carts, hooks and ladders, trucks, and all other fire apparatus.

(c) He shall have full police powers in the vicinity of fires.

(d) He shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property.

(e) He shall investigate and report to the Mayor upon the origin and cause of all fires occurring within the city.

(f) He shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinances relating thereto.

(g) He shall have charge of the city fire alarm service.

(h) He shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.

(i) He shall supervise the manufacture, storage and use of petroleum, gas, acetylene, gun powder, and other highly combustible matter and explosives.

(j) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE X.—*Assessment Department*

SEC. 31. *The city assessor—His powers and duties.*—The city assessor shall have charge of the department of assessment. He shall receive a salary of not exceeding three thousand six hundred pesos *per annum*. He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make the list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value thereof. In

making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not prevent thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oath to them, and subject them to examination concerning the ownership and the amount of real estate and its cash value. He may, if necessary, examine the records of the office of the Register of Deeds in the Province of Rizal showing the ownership of real estate in the city. The city treasurer shall act as city assessor until the Municipal Board by ordinance approved by the Department Head, provides otherwise.

SEC. 32. *Real estate exemption from taxation.*—The following shall be exempt from taxation:

(a) Lands or buildings owned by the Republic of the Philippines, the Province of Rizal or Rizal City, and burying grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though income therefrom be devoted to religious, charitable, scientific, or educational purposes.

(b) Lands or buildings which are the only property of the owner, and the value of which does not exceed two hundred pesos.

(c) Machinery, which terms shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery.

SEC. 33. *Declaration to be made by persons acquiring or improving real estate.*—It shall be the duty of each person who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvements on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the city assessor readily to identify the same. Any person having acquired real estate who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property, and the assessment of the same in the name of its former owner

shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its owner.

SEC. 34. *Action when owner makes no returns, or is unknown, or ownership in dispute or in doubt, or when land and improvements are separately owned.*—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made.

SEC. 35. *Action in case estate has escaped taxation.*—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property, the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

SEC. 36. *When assessment may be increased or reduced.*—The city assessor shall during the first fifteen days of January of each year add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has therefore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment as the case may be.

SEC. 37. *Publication of complete list and proceedings thereon.*—The city assessor shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the City Hall, that the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of February, the city assessor will

be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. He shall further notify in writing each person the amount of whose tax will be changed by such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines sometimes in the month of January.

It shall be his duty carefully to preserve and record in his office copies of said notice. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice had been done or errors have been committed he is authorized to amend the list in accordance with his findings.

SEC. 38. *City assessor to authenticate lists of real estate assessed.*—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in Rizal City has been omitted from the list, according to the best of my knowledge and belief."

.....  
(Signature)

City Assessor

SEC. 39. *Time and manner of appealing to Board of Tax Appeals.*—In case any owner of real estate or his authorized agent, shall feel aggrieved by any decision of the city assessor under the preceding sections of this article, such owner or agent may, within thirty days after the entry of such decision, appeal to the Board of Tax Appeals. The appeal shall be perfected by filing a written evidence in his possession relating to such assessment and valuation.

SEC. 40. *Constitution and compensation of Board of Tax Appeals.*—There shall be a Board of Tax Appeals which shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments. Three members of the Board shall be selected from among government officials in the city other than those in charge of assessment and they

shall serve without additional compensation. The two other members shall be selected from among property owners in the city and they shall each receive compensation of twenty pesos for each day of session actually attended. The chairman of the board shall be designated in the appointment and shall have the power to designate any city official or employee to serve as the secretary of the board without additional compensation.

The members of the Board of Tax Appeals shall hold office for a term of two years unless sooner removed by the President of the Philippines.

SEC. 41. *Oath to be taken by the members of the Board of Tax Appeals.*—Before organizing as such, the members of the Board of Tax Appeals shall take the following oath before the municipal judge or some other officer authorized to administer oaths:

“I do solemnly swear (or affirm) that I will hear and determine well and truly all matters and issues between taxpayers and the city assessors submitted for my decision. So help me God. (In case of affirmation the last four words to be stricken out).

-----  
(Signature)

*Member of the Board of Appeals*

“Subscribed and sworn to (or affirmed) before me  
this ..... day of ..... 19.....

-----  
(Signature and title of officer  
administering oath)

SEC. 42. *Proceedings before Board of Tax Appeals and the Department Head.*—The Board of Tax Appeals shall hold such number of sessions as may be authorized by the Secretary of Finance, shall hear all appeals duly transmitted to it, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been perfected by order signed by the Board or a majority thereof, and transmit it to the city assessor who shall amend the tax in conformity with said order. It shall also have power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessments and state the true valuation, in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard

by the Board of Tax Appeals before any reassessment or revaluation is made. The decision of the Board of Tax Appeals shall be final unless the Department Head declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such revision when approved by the President of the Philippines shall be final.

SEC. 43. *Taxes on real estate—Extension and remission of the tax.*—A tax, the rate of which shall not exceed two *per centum ad valorem* to be determined by the Municipal Board, shall be levied annually on or before the second Monday of January on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for any year shall be due and payable annually on the first day of June and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

Such lien shall be superior to all other liens, mortgages or incumbrances of any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the Municipal Board simultaneously with the rate *per centum ad valorem* taxation: *Provided*, That the time limit for the first and second installments shall be set at not later than the thirty-first day of May and the thirtieth day of October of each year, respectively.

Any person, who on the last day set for the payment of the real estate tax as provided in the preceding paragraphs, shall be within the premises of the City Hall willing and ready to pay the tax but is unable to effect it on account of the large number of taxpayers therein present, shall be furnished properly prescribed card which will entitle him to pay the tax without penalty on the following day.

The words paid "under protest" shall be written upon the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation in writing of an oral protest shall be made within thirty days.

At the expiration of the time for the payment of the real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency, to the payment of a penalty at the rate of two *per centum* for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in this Act: *Provided*, That in no case shall the

total penalty exceed twenty-four *per centum* of the original tax due.

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason, the Municipal Board may, by resolution passed on or before the thirty-first day of December of such year, extend the time for the collection of the tax on real estate in Rizal City for a period not to exceed three months, or remit wholly or in part the payment of the tax or penalty for the ensuing year, but such resolution shall have to specify clearly the grounds for such extension or remission and shall not take effect until it shall have been approved by the Department Head.

The President of the Philippines, may in his discretion remit or reduce the real estate taxes for any year in Rizal City if he deems this to be in the public interest.

SEC. 44. *Seizure of personal property for delinquency in payment of the tax.*—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer, or his deputy, if he desires to compel payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall be sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and these proceedings may be carried out by the city treasurer, his deputy, or any other office authorized to carry out legal proceedings.

SEC. 45. *Personal property exempt from seizure and sale for delinquency.*—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax.

(a) Tools and implements necessarily used by the delinquent in his trade or employment.

(b) One horse, or cow or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in ordinary occupation.

(c) His necessary clothing and that of his family.

(d) Household furniture and utensils necessary for housekeeping and used for that purpose by the delinquent such as he may select of a value not exceeding one hundred pesos.



(e) Provisions for individual or family use sufficient for four months.

(f) The professional libraries of lawyer, judges, clergyman, physicians, engineers, school teachers, and music teachers, not exceeding five hundred pesos in value.

(g) The fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

(h) Any article or material which forms part of a home or any improvement on any real estate.

SEC. 46. *The owner may redeem personal property before sale.*—The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense, of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 47. *Return of officer—Disposal of surplus.*—The officer directing the sale under the preceding section shall forthwith make return of his proceedings, and note thereof shall be made by the city treasurer upon his records. Any surplus resulting from the sale, over the above tax, penalty and costs, and any property remaining in possession of the officer, shall be returned to the taxpayer on account of whose delinquency the sale has been made.

SEC. 48. *Vesting title to real estate in city government.*—Upon the expiration of one year from the date on which the taxpayer became delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interest in and to the real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for hereinbelow: *Provided*, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

SEC. 49. *Redemption of real estate before seizure.*—At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of the publication of the advertisement provided for in the next succeeding section, the owner or his lawful representative, or any person having any lien, right, or any other legal or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the

same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: *Provided*, That the person exercising the right of redemption shall not acquire a title to said property better than that of the original owner prior to the seizure.

SEC. 50. *Notice of seizure of real estate.*—Notice of seizure of the real estate shall be given by posting notices at the main entrance of the City Hall, the provincial building and all the municipal buildings in the Province of Rizal, in English and Spanish and in the dialect commonly used in the locality. A copy of said notice shall also be posted on the property subject to seizure. Such notices shall state the names of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each, and shall state that unless such taxes and penalties are paid within ninety days from the date of the publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 51. *Ejectment of occupants of seized property.*—After the expiration of ninety days from the date of the publication of the notice of delinquency provided for in the next preceding section, the city treasurer, or his deputy, may issue to the Mayor or to other officers authorized by law to execute and enforce the laws a certificate describing the parcel of real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants there. Upon receiving such certificate, the Mayor or any other officer authorized to enforce the law, shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: *Provided, however*, That if the property so seized is or includes, a residential home, the occupant thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejectment, to vacate the premises.

SEC. 52. *Redemption of real property before sale.*—After the title to the property shall have become vested in the city government in the manner provided for in sections forty-nine and fifty-one hereof, and at any time prior to the sale or contract of sale by the city treasurer to a third party, the original owner or his legal repre-

sentative or any person having any lien, right, or other legal interest or equity in said property, shall have the right to redeem the entire property in question, by paying the full amount of taxes and penalties due thereon at the time of the seizure, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to said lease: *Provided*, That the payment of the prices of sale may, at the discretion of the purchaser, be made in installments, extending over a period not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less than twenty-five *per centum* of the entire sum due, and shall in no case be less than two pesos, unless the total or the balance of the amount due on all seized property in the name of the taxpayer is less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: *Provided, however*, That the original owner of any real estate seized prior to the approval of this Act, who redeems the same within six months subsequent to its approval, is hereby released from any obligation he may have to the Government for rent for the use of such property: *Provided, finally*, That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the approval of this Act.

SEC. 53. *Notice of sale of real estate at public auction.*—At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting a notice for three consecutive weeks at the main entrance of the City Hall and of all the municipal buildings of the province, in either English or Spanish and in the dialect commonly used in the locality, and by publishing the same once a week during

three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and the location by district and street and the street number and district or barrio where the real estate to be sold is located.

SEC. 54. *Sale of real estate—Conditions.*—At any time during the sale or prior thereto, the taxpayer may stay the proceeding by paying the taxes and penalties to the city treasurer or his deputy. Otherwise the sale shall proceed and shall be held either at the main entrance of the City Hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The payment of the sale price may, at the option of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale and each subsequent payment shall not be less than twenty-five *per centum* of the sale price, and shall in no case be less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government, and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupants of the property, in accordance with the procedure prescribed in section fifty-two of this Act.

The city treasurer or his deputy shall make a report of the sale to the Municipal Board within five days after the sale and shall make the same appear on its records. The purchaser at the sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the condition of payment, the amount paid, and the exact amount of the taxes and penalties.

SEC. 55. *Redemption of real estate after sale.*—Within one year from and after the date of sale, the delinquent taxpayer or any other person in his behalf, shall have the right to redeem the property sold by paying to the city

treasurer or his deputy the amount of the taxes, penalties, costs and interest at the rate of twelve *per centum per annum* on the purchase price, if paid in whole, or on any portion thereof as may have been paid by the purchasers and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve *per centum per annum*, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

SEC. 56. *Execution of deed of final sale.*—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of sale, and the purchaser shall then have paid the total purchase price, the city treasurer, as guarantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens or encumbrances of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representatives.

SEC. 57. *Taxes and penalties which shall be paid upon redemption or repurchase.*—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of the failure to pay which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the Government.

SEC. 58. *Taxes—Legal procedure.*—(a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Charter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

(c) No court shall entertain any suit assailing the validity of the tax sale of land under this Charter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen *per centum per annum* upon the sum from the date of sale to the time of instituting the suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale, if the deed is declared invalid, and shall be returned to the depositor, should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale, or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities or failure shall have impaired the substantial rights of the taxpayer.

ARTICLE XI.—*Tax Allotments and Special Assessment for Public Improvements*

SEC. 59. *Allotment of internal revenue and other taxes.*—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII, of Commonwealth Act Numbered Four hundred and sixty-six and other taxes collected by the National Government and allotted to the various provinces, as well as the National aid for schools, Rizal City shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 60. *Power to levy special assessments for certain purposes.*—The Municipal Board may, by ordinance, provide for the levying and collection, by special assessment of the land comprised within the district or section of the city specially benefited, of a part not to exceed sixty *per centum* of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, water works, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

In case of national public works the Municipal Board as an agency of the National Government shall, when the President of the Philippines so direct it, provide for the levying and collection by special assessment of the lands within the section or district of the city specially benefited of the cost or part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, wall-

ing, or deepening, or otherwise, repairing, enlarging, or improving national roads and other national public works within the city, including the cost of acquiring the necessary land and improvements therein.

SEC. 61. *Property subject to special assessment.*—All lands comprised within the district or section benefited, except those owned by the Republic of the Philippines, shall be subject to the payment of the special assessment.

SEC. 62. *Basis of apportionment.*—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in books of the city assessor. If the property has not been declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 63. *Ordinance levying special assessment.*—The ordinance providing for the levying and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment the limits whereof shall be stated by metes and bounds if practicable, and by other reasonably accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate *per centum* for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of this city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It shall be the duty of the city engineer to make plans, specifications and estimates of the public work contemplated to be undertaken.

SEC. 64. *Publication of proposed ordinance levying special assessment.*—The proposed special assessment ordinances shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is constructed or contemplated to be constructed.

The secretary of the Municipal Board shall, on application, furnish copy of the proposed ordinance to each land owner affected, or his agent and shall, if possible,

send to all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 65. *Protest against special assessment.*—Not later than ten days after the last publication of the ordinance and list of land owners, as provided in the preceding section, the land owners affected, if they compose a majority and represent more than one-half of the total assessed value of said lands, may file with the Municipal Board a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 66. *Hearing of protests.*—The Municipal Board shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all land owners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidence presented by the land owners interested or their attorneys shall be attached to the proper records. After the hearing the Municipal Board shall either modify its ordinance or approve it *in toto* and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for two consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Act shall be observed.

SEC. 67. *When ordinance is to take effect.*—Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 68. *Appeals.*—Any time before the ordinance providing for the levying and collection of special assessment becomes effective in accordance with the preceding sec-



tion, appeals from such special assessment may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the city. In all cases the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone representing more than one half of the total assessed value of the lands affected. The appellant or appellants shall immediately give the Board a written notice of the appeal, and the secretary of said Board shall, within ten days after receipts of the notice of appeal, forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the Board relative to the proposed special assessment and all the documents in connection therewith.

SEC. 69. *Decision of the appeal.*—Only appeals made within the time and in the manner prescribed in this Act shall be entertained and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 70. *Fixing of amount of special assessment.*—As soon as the ordinance is in full force and effect, the city treasurer shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each of such landowners a written notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the amount of the unpaid annual installments which are still to be collected from each landowner affected, and in all cases, he shall give notice of such rectification to the parties interested.

SEC. 71. *Payment of special assessment.*—All sums due from any landowner or owners as the result of any action taken pursuant to this Act shall be payable to the city treasurer in the same as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they are assessed, constitute special liens on said land, with the sole exception of the lien for the non-payment of the ordinary real property tax. If, upon recomputation of the amount of special assessment in

accordance with the next preceding section, it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the landowner shall have one year within which to pay without penalty the amount still due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 72. *Disposition of proceeds.*—The proceeds of the special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessments were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections made by him from special assessment levies from national public works.

#### ARTICLE XII.—*City Budget*

SEC. 73. *Annual budget.*—At least four months before the beginning of each fiscal year, the city treasurer shall present to the Mayor a certified detailed statement by department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of the department heads as required by section nineteen of this Charter, the Mayor shall formulate and submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditure for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: *Provided, however,* That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipt submitted by the city treasurer as provided above.

SEC. 74. *Supplemental budget.*—Supplemental budget formulated in the same manner may be adopted when special or unforeseen circumstances make such action necessary.

SEC. 75. *Failure to enact an appropriation ordinance.*—Whenever the Board fails to enact an appropriation ordinance for any fiscal year before the end of the previous fiscal year the several sums appropriated in the last appropriation ordinance for the objects and purposes therein specified, so far as they may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance, and shall go

into effect on the first day of the new fiscal year as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

ARTICLE XIII.—*The Municipal Court*

SEC. 76. *Regular, auxiliary and acting judges of municipal courts.*—There shall be a municipal court of two branches for Rizal City, for which there shall be appointed two municipal judges and two auxiliary municipal judges.

The municipal judge may, upon proper application, be allowed a vacation of not more than thirty days every year with salary. The auxiliary municipal judge shall discharge the duties in case of absence, incapacity or inability of the municipal judge until he assumes his post, or until a new judge shall have been appointed. During his incumbency the auxiliary municipal judge shall enjoy the powers, emoluments and privileges of the municipal judge who shall not receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Act.

In case of absence, incapacity or inability, of both the municipal judge and the auxiliary municipal judge, the Secretary of Justice shall designate the justice of the peace of any of the adjoining municipalities to preside over the municipal court, and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office, or until another judge shall have been appointed in accordance with the provisions of this Act. The justice of the peace so designated shall receive his salary as justice of the peace plus seventy per cent of the salary of the municipal judge whose office he has temporarily assumed.

The municipal judge shall receive a salary of not exceeding four thousand eight hundred pesos *per annum*.

SEC. 77. *Clerk and employees of the municipal court.*—There shall be a clerk of the municipal court who shall be appointed by the Mayor in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance, approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos *per annum*. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appear-

ance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oath.

The clerk of the municipal court shall at the same time be sheriff to the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs. The Municipal Board may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

SEC. 78. *Jurisdiction of Municipal Court.*—The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law. It shall have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and *estafa* where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary investigation for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 80. *Incidental powers of Municipal Court.*—The municipal court shall have power to administer oaths and to give certificates thereof; to issue summonses, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by law; and to require of any person arrested a bond for good behavior or to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties to be approved by said court.

SEC. 80. *Procedure in Municipal Court in prosecutions for violations of law and ordinances.*—In a prosecution for the violation of any ordinance, the first process shall be a summon; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to

believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinance of the city in such cases made and provided." All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleadings, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court and its officers in all cases insofar as the same may be applicable.

SEC. 81. *Cost, fees, fines and forfeitures in Municipal Court.*—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. All costs, fees, fines and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The municipal judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for.

SEC. 82. *No person sentenced by Municipal Court to be confined without commitment.*—No person shall be confined in prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

SEC. 83. *Procedure on appeal from Municipal Court to Court of First Instance.*—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock post meridian of the fifteenth day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and processes in the case. A perfected ap-

peal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial *de novo* upon its merits as though the same had never been tried. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the judge of the Court of First Instance, upon sufficient bail in accordance with the procedure in force, to await the judgment of the appellate court.

Appeals in civil cases shall be governed by the ordinary procedure established by law.

ARTICLE XIV.—*Bureaus Performing Municipal Duties*

SEC. 84. *General Auditing Office.*—The Auditor General or his delegate shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting.

SEC. 85. *The Division of Purchase and Supply.*—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate for the use of the city and its departments and offices. But contracts for completed work of any kind for the use of the city, or any of its department or offices, involving both labor and materials, where the materials are furnished by the contractor, shall not be deemed to be within the purview of this section.

SEC. 86. *The Bureau of Education.*—The Director of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines and the division superintendent of schools for the Province of Rizal shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents, in respect to schools of their divisions.

A city school board of six members, two of whom shall be women and who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in the municipalities.

The Municipal Board shall have the same powers in respect to the establishment of schools as are conferred by law on municipal councils.

SEC. 87. *Reports to the Mayor concerning schools—Construction and custody of school buildings.*—The division superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of Rizal City to the Mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, and all other similar matters,

together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city. The city school board shall make a similar annual report to the Mayor.

SEC. 88. *The City Health Officer—His salary, powers and duties.*—There shall be in Rizal City, a city health officer. He shall have a salary of not exceeding four thousand eight hundred pesos *per annum*. The city health officer shall have the following general powers and duties:

(a) He shall have general supervision over the health and sanitary conditions of the city.

(b) He shall execute and enforce all laws, ordinances and regulations relating to the public health.

(c) He shall recommend to the Municipal Board the passage of such ordinance as he may deem necessary for the preservation of the public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspections and may be aided therein by such members of the police force of the city or of the national police as shall be designated as sanitary police by the chief of police or proper national police officer and such sanitary inspector as may be authorized by law.

(f) He shall keep a civil register for the city and record there all births, marriages, and deaths with their respective dates.

(g) He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health shall direct.

#### ARTICLE XV.—*Transitory Provision*

SEC. 89. *Change of government.*—The city government provided for in this Charter shall be organized on such a date as may be fixed by the President of the Philippines and upon the qualification of the City Mayor and the appointment or election of the members of the Municipal Board. Pending the next general elections for provincial and municipal officials, the offices of the members of the Municipal Board, shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments.

SEC. 90. *Representative District.*—Until otherwise provided by law, Rizal City shall continue as part of the first representative district of the Province of Rizal.

#### ARTICLE XVI.—*Effectivity of the Act*

SEC. 91. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 358

[REPUBLIC ACT No. 184]

AN ACT TO REGULATE THE PRACTICE OF ELECTRICAL ENGINEERING IN THE PHILIPPINES, TO PROVIDE FOR THE LICENSING AND REGISTRATION OF ELECTRICAL ENGINEERS AND ELECTRICIANS AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

ARTICLE I.—*Organization*

SECTION 1. *Title of Act.*—This Act shall be known as the “Electrical Engineering Law.”

SEC. 2. *Creation and composition of a Board of Electrical Engineering Examiners.*—Within thirty days after the approval of this Act, there shall be created a Board of Electrical Engineering Examiners to be composed of a chairman and two members to be appointed by the Secretary of Public Works and Communications.

SEC. 3. *Powers vested in Board.*—The Board of Electrical Engineering Examiners is vested with authority conformably with the provisions of this Act, to administer the provisions thereof, to issue, suspend or revoke certificates of registration for the practice of electrical engineering and to administer oaths in connection therewith.

In carrying into effect the provisions of this Act, the board may under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, documents, etc., in a case involving violation of any of the provisions of this Act. Any member of the board may administer oaths or affirmations to witnesses appearing before it. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any book, document, etc., the board may present its petition to the Court of First Instance, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his appearance before such court and there to testify or produce such books, papers, documents, etc., as may be deemed necessary and pertinent to the board. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

The board shall exercise the powers conferred upon it by this Act, shall from time to time, look into conditions affecting the practice of electrical engineering in the Philippines and, whenever necessary, recommend to the Secretary of Public Works and Communications the adoption



of such measures as may be deemed proper for the maintenance of good ethics and standards in the practice of electrical engineering in the Philippines and thus safeguard public welfare, life, health and property.

SEC. 4. *Qualifications of board members.*—Each member of the board shall, at the time of his appointment:

(1) Be a citizen of the Philippines and a resident thereof;

(2) Hold the degree of B.S.E.E. or M.S.E.E. or the equivalent thereof conferred by an engineering school or college legally chartered and of good standing;

(3) Be legally qualified to practice professional electrical engineering for at least ten years and actually in active practice on the date of his appointment;

(4) Not be a member of the faculty of any school, college or university where a regular course in electrical engineering is taught, nor have pecuniary interest in such institution.

SEC. 5. *Term of office.*—The members of the board shall hold office for a term of three years after their appointment or until their successors shall have been appointed and duly qualified. The members of the board appointed under this Act shall hold office for the following terms: one member for one year; one member for two years; and one member for three years. Each member of the board shall qualify by taking the proper oath prior to entering upon the performance of his duties.

SEC. 6. *Executive officer of the board.*—The Commissioner of Civil Service shall be the executive officer of the board, shall conduct the examinations given by the board and shall designate any subordinate officer of the Bureau of Civil Service to act as Secretary of the board. All records and minutes of the board including all examination papers, shall be kept by the Bureau of Civil Service.

SEC. 7. *Removal of board members.*—The Secretary of Public Works and Communications may remove any member of the board for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct, after having given the member concerned an opportunity to defend himself in the proper administrative investigation.

SEC. 8. *Compensation of the board.*—The members of the board shall each receive as compensation the sum of five pesos for each applicant examined or registered without examination for any of the first three grades provided under section eleven hereof; and three pesos for each applicant examined or registered without examination for the grade of Master Electrician. Any electrical engineer in the Government of the Philippines appointed as member of the

board shall receive the compensation herein provided in addition to his salary. All fees shall be received by the officer designated by competent authority as collecting officer for the Bureau of Civil Service, and such officer shall pay all authorized expenditures of the board including the compensation provided for in this Act for the members of the board.

SEC. 9. *Rules and regulations.*—(a) The board may, with the approval of the Secretary of Public Works and Communications and with the advice and consent of the Commissioner of Civil Service, adopt such rules and regulations as may be necessary to carry the provisions of this Act into effect. Penal provisions may be included in said regulations, the violation of which shall be punishable by a fine of not more than two hundred pesos or by imprisonment for not more than two months, or both in the discretion of the court.

SEC. 10. *Annual report.*—The board shall submit an annual report to the Secretary of Public Works and Communications after the close of each fiscal year giving a detailed account of its proceedings during the year and making such recommendations as it may deem proper.

## ARTICLE II.—*Registration and Examination*

SEC. 11. *Grades.*—Certificates of registration for the practice of electrical engineering shall be of four grades and in the order of rank as follows:

(1) Professional electrical engineer, (2) Associate electrical engineer, (3) Assistant electrical engineer, and (4) Master electrician.

SEC. 12. *Inhibitions against the practice of electrical engineering.*—Unless exempt from registration, no person shall practice or offer to practice electrical engineering in the Philippines without having previously obtained a certificate of registration from the Board of Electrical Engineering Examiners.

SEC. 13. *Definitions of terms.*—(a) *Electrical Engineering:* A person shall be deemed to be practicing electrical engineering or rendering electrical engineering service within the meaning and intent of this Act who shall, for a fee, salary or other reward or compensation paid to himself or to another person, or even without such reward or compensation render or offer to render professional electrical engineering service in the form of consultation, investigation, valuation, planning, designing or preparation of specifications for any electrical construction, installation or project; or take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data; or take charge of or supervise any elec-

trical constructions, or installation, or the operation, tending and maintenance of any electric generating plant: *Provided, however*, That it shall be unlawful for any person to use in connection with his name or otherwise use, assume or advertise any title tending to convey the impression that he is a professional electrical engineer or associate electrical engineer or assistant electrical engineer or master electrician or that he is engaged in the practice of electrical engineering unless he is duly licensed and registered as such in conformity with the provisions of this Act.

(b) The term electric supply equipment as used in this Act, shall mean any equipment which produces, modifies, regulates, controls or safeguards a supply of electric energy.

(c) The term utilization equipment as used in this Act, shall mean equipment, devices and connected wiring which utilize electric energy for any purpose and are not a part of electric supply equipment or electric generating plant.

(d) The term electric generating plant as used in this Act, shall mean the complete establishment or system for the production, transmission and/or distribution of electric energy and shall include all the electric supply equipment and lines used for these purposes: *Provided, however*, That if the complete establishment includes one or more substations which are or may be interconnected, requiring personal supervision for their proper operation, each substation shall be considered as a separate electric generating plant for purposes of compliance with the provisions of this Act: *Provided, finally*, That the provisions of this Act shall not apply to any electric generating plant of the United States Army or Navy, or of the National, provincial, city or municipal government, or to any electric generating plant on conveyances used in connection with land and air transportation.

(e) The term electric supply line as used in this Act, shall mean those conductors and their necessary supporting, or containing structures which are located entirely outside of buildings and are used for transmitting a supply of electric energy.

(f) The term substation as used in this Act, shall mean any building, room or separate place which houses electric supply equipment for tying with the generating plant and the interior of which is accessible, as a rule, only to properly qualified persons.

(g) The term kilowatt or KVA capacity or simply capacity as used in this Act, when applied to electric generating plants shall mean the total full capacity in kilowatts or kilovolt-amperes of all the electric supply equipment installed to produce electric energy for transmission

and/or distribution as stamped on the name plate attached to each generator. In the absence of a nameplate rating, the kilowatt or KVA capacity shall be determined by reference to the manufacturer or by calculation or other method of determination conforming with the latest standards of the American Institute of Electrical Engineers or their equivalent.

(h) The term voltage or volts as used in this Act, shall mean the highest effective voltage between any two conductors of the circuit concerned, except that in grounded multiwire circuits not exceeding 750 volts between outer conductors, it shall mean the highest effective voltage between any wire of the circuit and the ground. In ungrounded circuits not exceeding 750 volts, voltages to ground shall mean the voltages of the circuit.

SEC. 14. *Exemptions from registration.*—Registration shall not be required of the following persons:

(a) Officers or enlisted men of the United States Army or Navy, or employees of the Federal Government of the United States, while engaged in the practice of electrical engineering for said Army and Navy or Government of the United States;

(b) Employees and officials of the Government of the Philippines whether National, provincial, city or municipal while engaged in the practice of electrical engineering for said Government;

(c) Electrical engineers, or erection or guarantee engineers called in for consultation or for a specific design, installation or project, provided that their practice shall be limited only to the particular work for which they were called and such engineers are legally qualified to practice electrical engineering in their own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act;

(d) Foreigners employed as technical officers, professors or consultants in such special branches of electrical engineering as may, in the judgment of the Secretary of Public Works and Communications, be necessary and indispensable for the country;

(e) Engineering students, apprentices and other persons employed or acting as subordinates of/or undergoing training under a person holding a valid certificate of registration under this Act;

(f) Any person in charge of or supervising the operation, tending and maintenance of an electric generating plant for private use employing voltages not exceeding 250 volts: *Provided, however,* That the owner or operator shall be required to have the plant or establishment periodically inspected at intervals of not more than one year by a reg-

istered professional engineer or associate electrical engineer or by a National, city, provincial or municipal authority exercising legal jurisdiction over electrical installations.

SEC. 15. *Examination required.*—Except as otherwise specifically allowed, all applicants for registration for the practice of electrical engineering shall be required to undergo a technical examination as provided in this Act.

SEC. 16. *Qualifications of applicant for Professional Electrical Engineer.*—Any person applying for examination and for a certificate of registration as professional electrical engineer shall, prior to admission to examination, establish to the satisfaction of the board:

- (a) That he is at least twenty-five years of age;
- (b) That he is of good reputation and moral character;
- (c) That he has completed the high school course or its equivalent;

(d) That he has graduated in electrical engineering from a university, school, college, academy, or institute duly constituted and recognized as such by the Government or the state in which it is established after completing a resident collegiate course of not less than four years and, in addition has a specific record of four years or more of active practice in electrical engineering of responsible character indicating that the applicant is competent to practice professional electrical engineering in its full scope as defined in this Act; or

(e) That he has completed at least two years of resident collegiate engineering training in a university, school, college, academy or institute duly constituted and recognized as such by the Government or the state in which it is established and, in addition, has a specific record of eight years or more of active practice in electrical engineering of responsible character indicating that the applicant is competent to practice professional electrical engineering in its full scope as defined in this Act.

In considering the qualifications of applicants, being in charge of electrical engineering teaching in an engineering school, university, college, academy or institute duly constituted and recognized as such by the Government or the state in which it is established may be regarded as active practice of electrical engineering of responsible character.

SEC. 17. *Qualifications of applicant for Associate Electrical Engineer.*—Any person applying for examination and for a certificate of registration as associate electrical engineer shall, prior to admission to examination, establish to the satisfaction of the board:

- (a) That he is at least twenty-five years of age;
  - (b) That he is of good reputation and moral character;
- and

(c) That he has completed the high school course or its equivalent;

(d) That he has graduated in electrical engineering from a university, school, college, academy, or institute duly constituted and recognized as such by the Government or the state in which it is established after completing a resident collegiate course of not less than four years and, in addition, has a specific record of two years or more of active practice in electrical engineering of responsible character indicating that the applicant is competent to take charge of or supervise any electrical construction or installation, or the operation, tending and maintenance of any electric generating plant, or take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data; or

(e) That he has a specific record of eight years or more of active practice in electrical engineering of responsible character indicating that the applicant is competent to take charge of or supervise any electrical construction or installation or the operation, tending and maintenance of any electric generating plant, or take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data: *Provided, however,* That experience on installation or wiring of utilization equipment only shall not be considered as complying with the requirements of this paragraph.

In considering the qualifications of applicants, being in charge of electrical engineering teaching in an engineering school, university, or college, academy or institute duly constituted and recognized as such by the Government or the state in which it is established, may be regarded as active practice in electrical engineering of responsible character.

SEC. 18. *Qualifications of applicant for Assistant Electrical Engineer.*—Any person applying for examination and for a certificate of registration as assistant electrical engineer shall, prior to admission to examination, establish to the satisfaction of the board:

(a) That he is at least twenty-three years of age;

(b) That he is of good reputation and moral character;

(c) That he has completed the high school course or its equivalent;

(d) That he has graduated in electrical engineering from a university, school, college, academy or institute duly constituted and recognized as such by the Government or the state in which it is established after completing a collegiate course of not less than four years.

SEC. 19. *Qualifications of applicant for Master Electrician.*—Any person applying for examination and for a certificate of registration as master electrician shall, prior to admission to examination, establish to the satisfaction of the board:

- (a) That he is at least twenty-three years of age;
- (b) That he is of good reputation and moral character;
- (c) That he has graduated in an electrical course of instruction from a vocational or trade school or a correspondence school of well known standing and, in addition, has a specific record of at least three years of practice of such character as to indicate that he is competent to take charge of or supervise any electric wiring or installation or utilization equipments; or
- (d) That he has completed a four-year high school education or its equivalent and, in addition, has a specific record of at least five years of practice in electric wiring or installation of utilization equipment.

SEC. 20. *Holding of examinations.*—Examinations for candidates desiring to practice electrical engineering in the Philippines shall be given twice a year in the City of Manila and other places where conditions may warrant, on such working days as the board may fix with the approval of the Secretary of Public Works and Communications. Written or printed notice of such examination shall be mailed to each candidate who has filed his name and address with the Secretary of the Board, at least thirty days prior to the date of the first day of the examination.

SEC. 21. *Scope of examination.*—(a) The examination for the professional electrical engineer grade shall cover questions relating to the production, transmission, distribution and application of electrical energy to power and communication to determine if the applicant has sufficient knowledge to insure safety to life, health and property as well as economy in the design, construction, installation, maintenance, organization and management of electric generating plants and other projects wherein electric supply or utilization equipment are called for and also questions on rules and regulations embodied in the latest editions of the National Safety and Electrical Codes of the United States or of the Philippines as may be adopted: *Provided, however,* That the board may, if it deems it further necessary, test the knowledge of an applicant on the following fundamental subjects: mathematics, including differential and integral calculus, and the use of complex notation in electrical engineering problems, rational and applied mechanics, surveying, geology, and foundations, hydraulics, resistance of materials and construction materials, electrical circuits and machinery, electronics and their application

to electrical communication and industry: *Provided, finally,* That the examination for the grade of assistant electrical engineer shall be limited to the above fundamental subjects only and to question on rules and regulations embodied in the latest edition of the National Safety and Electrical Codes of the United States or of the Philippines as may be adopted.

(b) *Subjects of examination for Associate Electrical Engineer.*—Strength of materials used in electrical constructions, including foundations, questions on the installation, erection, operation, tending and maintenance of electric generating plants, lines and other electric supply equipments, knowledge of standard materials used in electrical installations and of the approved methods of construction, knowledge of the rules and regulations embodied in the latest editions of the National Safety and Electrical Codes of the United States or of the Philippines as may be adopted.

(c) *Subjects of examination for Master Electrician.*—Practical applications of Ohm's Law, knowledge of standard materials used in electric wiring or installation of utilization equipments and of the approved methods of construction, knowledge of the rules and regulations embodied in the latest editions of the National Electrical Code of the United States or of the Philippines as may be adopted, applicable to electric wiring or installation of utilization equipment, reading of wiring plans and interpretation of standard symbols used.

SEC. 22. *Report of ratings.*—The Board of Electrical Engineering Examiners shall, within one hundred twenty days after the date of completion of the examinations, report the ratings obtained by each candidate to the Commissioner of Civil Service, who shall submit such ratings to the Secretary of Public Works and Communications for approval.

SEC. 23. *Reëxamination.*—An applicant who for the third time fails to pass the examination for the same grade shall not be allowed to take another until at least one year has elapsed after his last examination.

SEC. 24. *Registration as Professional Electrical Engineer without examination.*—Certificates of registration as professional electrical engineer without examination shall be issued to the members of the first board of electrical engineering examiners appointed under the provisions of this Act.

No examination shall be required of any person who shall, with his application for registration as professional electrical engineer, present evidence or other proof satisfactory to the board that, on the date of the approval of this Act, he had a specific record of four years or more



of active practice in electrical engineering, of responsible character indicating that he may be entrusted to perform or render professional electrical engineering in its full scope as defined in section thirteen and if he possesses any of the following qualifications:

(a) Had passed a civil service examination for senior electrical engineer; or

(b) Was an electrical engineer duly licensed by the Board of Examiners for Electrical Engineers under Act Numbered Two thousand nine hundred eighty-five of the Philippine Legislature of nineteen hundred twenty-one as amended.

SEC. 25. *Registration as Associate Electrical Engineer without examination.*—No examination shall be required of any person who shall, with his application for registration as associate electrical engineer, present evidence or other proof satisfactory to the board showing that, on the date of the approval of this Act, he had any of the following qualifications:

(a) A specific record of ten years or more of active practice in electrical engineering of responsible character, indicating that the applicant may be entrusted to take charge of or supervise any electrical construction or installation, or the operation, tending and maintenance of any electric generating plant, or take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data and has the first three qualifications specified in section seventeen, or

(b) Had passed a civil service examination for senior or assistant electrical engineer or was an electrical engineer duly licensed by the Board of Examiners for Electrical Engineers under Act Numbered Two thousand nine hundred eighty-five of the Philippine Legislature of the year nineteen hundred and twenty-one as amended and has a specific record of two years or more of active practice in electrical engineering of responsible character indicating that the applicant may be entrusted to take charge of or supervise any electrical construction or installation, or the operation, tending and maintenance of any electric generating plant, or take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data: *Provided, however,* That persons registered as associate electrical engineer by virtue of the qualifications enumerated in this paragraph (b) shall not be required to undergo further examination when applying for a certificate of registration as professional electrical engineer after fulfilling the engineering experience required for that grade.

SEC. 26. *Registration as Assistant Electrical Engineer without examination.*—No examination shall be required of any person who shall, with his application for registration as assistant electrical engineer, present evidence or other proof satisfactory to the board showing that, on the date of approval of this Act, he had any of the following qualifications:

(a) Had passed a civil service examination for senior or assistant electrical engineer, or

(b) Was an electrical engineer duly licensed by the Board of Examiners for Electrical Engineers under Act Numbered Two thousand nine hundred and eighty-five of the Philippine Legislature of the year nineteen hundred and twenty-one, as amended; *Provided*, That persons registered as assistant electrical engineers by virtue of the qualifications enumerated in paragraphs (a) and (b) of this section shall not be required to undergo further examination when applying for certificate of registration as professional electrical engineer or associate electrical engineer after fulfilling the engineering experience required respectively for those grades.

SEC. 27. *Registration as Master Electrician without examination.*—Certificate of registration as master electrician without examination shall be issued to any applicant who shall, with his application for registration as master electrician, present evidence or other proof satisfactory to the board that, on the date of the approval of this Act, he had any of the following qualifications:

(a) Had passed a civil service examination for electrical inspector or its equivalent, or

(b) Was practicing as licensed electrical contractor in chartered cities having ordinances which require examination for obtaining a license as contractor for electrical installations: *Provided, however*, That the applicant is still holding a valid license on the date his application is submitted to the board.

SEC. 28. *Issuance of certificates.*—The Secretary of Public Works and Communications shall, upon recommendation of the board issue a certificate of registration upon payment of the registration fee as provided for in this Act to any applicant who, in the opinion of the board and after approval of the Secretary of Public Works and Communications, has satisfactorily met all the requirements specified in this Act for the particular grade for which he is registering.

All certificates of registration shall show the full name of the registrant; shall have a serial number and shall be signed by all the members of the board, the Secretary of Public Works and Communications and the Commissioner of Civil Service, and shall be attested by the official seal.

The issuance of a certificate of registration by the board to a registrant shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional electrical engineer, associate electrical engineer, assistant electrical engineer, or master electrician, as the case may be, while said certificate remains unrevoked or unsuspended.

SEC. 29. *Seal of Professional Electrical Engineer.*—Each registrant for the grade of professional electrical engineer shall, upon registration, obtain a seal of a design prescribed by the board bearing the registrant's name, the certificate number and the legend "Professional Electrical Engineer." Plans, specifications, reports and other professional documents prepared by or executed under the immediate supervision of, and issued by a registrant, shall be stamped on every sheet with said seal when filed with Government authorities or when submitted or used professionally: *Provided, however,* That it shall be unlawful for any one to stamp or seal any document with said seal after the certificate of the registrant named therein has been revoked or suspended unless said certificate shall have been reinstated or reissued.

SEC. 30. *Fees for examination and registration.*—Every applicant for examination for the grade of professional electrical engineer, or associate electrical engineer, or assistant electrical engineer, shall pay an examination fee of thirty pesos and, for the grade of master electrician, a fee of twenty pesos.

Every registrant for the grade of professional electrical engineer or associate electrical engineer or assistant electrical engineer shall pay a registration fee of ten pesos and, for the grade of master electrician, a fee of five pesos: *Provided, however,* That when an applicant is registered without examination for the grade of professional electrical engineer or associate electrical engineer or assistant electrical engineer he shall pay a registration fee of twenty-five pesos and, for the grade of master electrician, a fee of fourteen pesos.

SEC. 31. *Refusal to issue certificate.*—The Board of Electrical Engineering Examiners shall refuse to issue certificate of registration to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or to any person guilty of immoral or dishonorable conduct or to any person of unsound mind. In the event of refusal to issue certificates for any reason, the board shall give the applicant a written statement setting forth the reasons for such action, which statement shall be incorporated in the record of the board.

SEC. 32. *Suspension and revocation of certificates.*—The board shall have the power, upon proper notice and hearing, to suspend and revoke any certificate of registration of any registrant for any cause specified in the preceding section, or for the use or perpetration of any fraud or deceit in obtaining a certificate of registration, or for gross negligence or incompetency or for unprofessional or dishonorable conduct: *Provided, however,* That the action of the board shall be subject to appeal to the Secretary of Public Works and Communications whose decision shall be final.

It shall be sufficient ground for the revocation of a certificate issued to a person under this Act, for unprofessional or dishonorable conduct, if: (1) he has signed and affixed his seal on any plans, designs, technical reports, valuation, specification, estimate or other similar documents or work not prepared by him or not executed under his immediate supervision or (2) has represented himself as having taken charge of or supervised any electrical construction or installation, or the operation, tending and maintenance of any electric generating plant or in charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculation and/or application of engineering principles and data, without actually having done so.

Any person, firm, association or corporation, may prefer charges in accordance with the provisions of this section against any registrant, or the board may *motu proprio* investigate and/or take cognizance of acts and practices constituting sufficient cause for suspension or revocation of the certificate of registration by proper resolution or order, such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

SEC. 33. *Reissue of revoked certificates and replacement of lost certificates.*—The board may, after the expiration of one year from the date of revocation of a certificate, for reasons it may deem sufficient, entertain an application for a new certificate of registration from a person whose certificate has been revoked, in the same manner as application for original ones, and in doing so it may, in its discretion, exempt the applicant from the necessity of undergoing an examination.

A new certificate of registration to replace any certificate that has been lost, destroyed or mutilated may be issued, subject to the rules of the board, and a charge of five pesos shall be made for such issuance.

SEC. 34. *Special permits.*—The board may, in its discretion and subject to the approval of the Secretary of Public Works and Communications, issue special permit for the

practice in a specified line, branch or activity of electrical engineering for a specific design, investigation or construction project or in a specified plant or organization to any person already holding a valid certificate of registration issued by a Board of Engineering Examiners in the Philippines who shall, with his application, present evidence or other proof satisfactory to the board indicating that he is competent to perform the service or activity for which he applies for said permit and that the issuance of such permit is necessary and will not jeopardize the interest of any person duly registered for the practice of electrical engineering under this Act.

Special permit to take charge of or supervise the operation, tending and maintenance of any electric generating plant for public utility or for use in connection with the operation of a public utility or convenience employing voltages not exceeding 250 volts, or a special permit to take charge of or supervise the construction, installation and/or operation of any electric supply equipment for public service communication or signalling or the construction, installation and/or operation of X-ray or electronic equipment for public use requiring the employment of dangerous voltages, may also be granted to any person who shall with his application, present evidence or other proof satisfactory to the board showing that he may be entrusted to perform the duties and responsibilities of the position for which the permit is desired and that he has been rendering satisfactory service in connection therewith without any serious accident as certified by his employer for a period of not less than three years: *Provided, however,* That the permit shall be valid only for the specific purpose for which it is issued which shall be stated in detail in the said permit.

All special permits shall be subject to all the provisions and requirements of this Act and the rules and regulations which may be adopted by the board pertaining to certificates of registration, and may be suspended, revoked or reissued by the board in the manner prescribed for certificates of registration. Any person who has been granted a special permit shall, for purposes of compliance with the provisions of this Act, be considered as registered in the Board of Electrical Engineering Examiners while said permit is still valid.

A fee of ten pesos shall be collected for the issuance of a special permit and no person shall hold more than one permit at one time.

### ARTICLE III.—*Sundry Provisions Relative to the Practice of Electrical Engineering*

SEC. 35. *Prohibitions in the practice of electrical engineering.*—Any person who shall practice or offer to prac-

tice electrical engineering in the Philippines without being registered or exempted from registration in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended certificate of registration, or any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is an electrical engineer or that he is registered under any of the grades enumerated in section eleven of this Act without holding a valid certificate of registration for that grade, or any person who shall violate any of the provisions of this Act, shall be guilty of misdemeanor and shall, upon conviction, be sentenced to a fine of not less than one hundred pesos nor more than one thousand pesos, or to suffer imprisonment for a period not exceeding three months, or both, in the discretion of the court.

SEC. 36. *Field of action authorized for each grade; prohibitions.*—It shall be unlawful for any person, unless exempted from registration under section fourteen of this Act:

(a) To practice, perform or render electrical engineering service in its full scope as defined in section thirteen unless he holds a valid certificate of registration as professional electrical engineer;

(b) To take charge of or supervise any electrical construction or installation, or the operation, tending and maintenance of any electric generating plant; or to take charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculations and/or application of engineering principles and data unless he holds a valid certificate of registration as professional electrical engineer or associate electrical engineer;

(c) To take charge of or supervise the operation, tending and maintenance of any electric generating plant employing voltages up to 4,800 volts, or to take charge of or supervise any electric wiring or installation of utilization equipment unless he holds a valid certificate of registration as professional electrical engineer, associate electrical engineer, or assistant electrical engineer;

(d) To take charge of or supervise the operation, tending and maintenance of any electric generating plant employing voltages up to 750 volts, or to take charge of or supervise any electric wiring or installation of utiliza-

tion equipment unless he holds a valid certificate of registration as professional electrical engineer, associate electrical engineer, assistant electrical engineer, or master electrician;

(e) To take charge of or supervise the operation, tending and maintenance of any electric generating plant for public utility or for use in connection with the operation of a public utility or convenience employing voltages up to 250 volts unless he holds a valid certificate of registration as professional electrical engineer, associate electrical engineer, assistant electrical engineer, or master electrician or a valid special permit;

(f) To take charge of or supervise the construction or installation of any electric supply equipment for public service communication or signalling or for X-ray or electronic equipment requiring the employment of dangerous voltages unless he holds a valid certificate of registration as professional electrical engineer or associate electrical engineer or assistant electrical engineer or a valid certificate of special permit.

SEC. 37. *Personnel required in electric generating plants.*—Except as otherwise provided in this Act, every generating plant in operation shall have not less than the following complement of resident engineers or persons holding valid special permits:

(a) Electric generating plants of any capacity for public utility or for use in connection with the operation of a public utility or convenience employing voltages up to 250 volts: one professional electrical engineer, or one associate electrical engineer, or one assistant electrical engineer, or one master electrician, or one person with valid special permit;

(b) Electric generating plants of any capacity employing voltages up to 750 volts: one professional electrical engineer, or one associate electrical engineer, or one assistant electrical engineer, or one master electrician;

(c) Electric generating plants of any capacity employing voltages up to 4,800 volts: one professional electrical engineer, or one associate electrical engineer, or one assistant electrical engineer;

(d) Electric generating plants of any capacity employing voltages above 4,800 volts: one professional electrical engineer in charge of the complete establishment and one associate electrical engineer for each substation of the complete establishment:

*Provided, however,* That in all the above cases, additional qualified subordinate personnel shall be required commensurate with the exigencies of efficient operation and service and the safeguarding of public welfare, life and property.

SEC. 38. *Provisions affecting preparation of plans, supervision of construction, permits for construction, application of the National Electrical Code.*—It shall be unlawful for any person not authorized under this Act to draw up plans, designs, and/or specifications for any electrical construction or installation or project; and no electrical construction or installation shall be undertaken unless plans, designs, and/or specifications have been prepared under the responsible charge of, and signed and sealed by, a professional electrical engineer and a construction permit for the execution thereof secured, and unless the work is executed under the responsible charge or supervision of a professional electrical engineer or associate electrical engineer or assistant electrical engineer or master electrician in conformity with the field of action authorized for each grade, or a person with valid special permit or exempt from registration under subsections (b), (c) and (d) of section fourteen of this Act and all requirements of the Government agency, if any, exercising jurisdiction over the particular construction or installation have been complied with.

(For the purpose of coordinating the work in carrying into effect the provisions of this Act and, except as otherwise provided, the safety inspectors of the Bureau of Labor or such district or city engineers or other government agents as the Secretary of Labor may designate shall enforce the requirement of this Act pertaining to the installation, operation, tending and maintenance of electric generating plants and pass upon applications for electrical construction or installation within their respective districts in all cases which are not acted upon by the Public Service Commission and issue the corresponding permits if the plans and/or specifications submitted are in conformity with the requirements of this section.)

*Provided, however,* That the submission of plans may be waived in application for electrical construction or installation for lighting and/or household appliances utilizing electrical energy involving the installation of twenty outlets or less; or for power or heat applications utilizing electrical energy not exceeding four kilowatts; or for telephone installations, on condition that such applications include a layout sketch of the proposed construction or installation with a list of the materials and devices to be used and a signed statement to the effect that it shall conform with the rules and regulations of the National Electrical Code of the United States or of the Philippines as may be adopted:

*Provided, further,* That the Secretary of National Defense and the Collector of Customs, respectively, shall enforce the requirements pertaining to the installation, oper-



ation, tending and maintenance of electric generating plants in radio stations and in conveyances used in connection with water transportation and also respectively, shall regulate electrical constructions or installations of equipment for radio communications and for conveyances used in connection with water transportation:

*Provided, finally,* That the Collector of Internal Revenue shall enforce the requirements of this Act checking the licenses of persons in charge of the sale or distribution of any electric supply or utilization equipment requiring engineering calculation and/or application of engineering principles and data.

All applications for electrical construction permits including the plans and/or layouts or statements shall be filed for reference.

SEC. 39. *Application to firms and corporations.*—A firm or a copartnership, or corporation, or an association may engage in the practice of electrical engineering in the Philippines provided only that such practice is carried on by duly licensed and registered electrical engineers, associate electrical engineers, assistant electrical engineers, or master electricians in conformity with the field of action authorized respectively for each grade under this Act; or by persons exempt from registration under subsections (c) and (d) of section fourteen of this Act.

In case of a firm, copartnership, corporation, association, society or company, the manager, administrator or the person who has charge of the management or administration of the business shall be held personally liable for violation of this Act.

SEC. 40. *Posting of certificates.*—The owner, manager or other person in charge of any electric generating plant, or of a firm, copartnership, corporation or joint stock association shall post or cause to be posted in a conspicuous place within such plant or establishment, the certificate of registration of the engineer or engineers, associate, assistant and master electrician employed in such a plant or establishment, in a frame protected by transparent glass or equivalent.

SEC. 41. *Roster of electrical engineers and electricians.*—A roster showing the names and place of business of all registered professional electrical engineers, associate electrical engineers, assistant electrical engineers, and master electricians shall be prepared by the Commissioner of Civil Service during the month of July every year, commencing one year after the date this Act becomes effective. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of Public Works and Communications and copies furnished to all department heads,

to the mayors of all chartered cities, to the Director of Public Works, to the office of the Public Service Commission, to the Collector of Customs, to such other bureaus or government agencies and provincial and municipal authorities as may be deemed necessary and to the public upon request.

SEC. 42. *Foreign reciprocity.*—No foreign engineer shall be admitted to examination, be given a certificate of registration or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino engineers to practice within its territorial limits on the same basis as the subjects or citizens of such country.

SEC. 43. *Enforcement of the Act by officers of the law.*—It shall be the duty of all constituted officers of the law of the National Government, of any provincial, city or municipal government or of any political subdivision thereof to prosecute any person violating the provisions of this Act. The Secretary of Justice or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

SEC. 44. *Act not affecting other professions.*—This Act shall not be construed to affect or prevent the practice of any other legally recognized profession.

#### ARTICLE IV.—*Final Provisions*

SEC. 45. The sum of two thousand pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, to be disbursed by the Secretary of Public Works and Communications in accordance with the provisions of this Act. All sums collected in accordance with this Act shall be paid into the National Treasury as part of the general funds thereof: *Provided*, That during the first twelve months of the operation of this Act, any portion of the sums collected may be used for the purpose of this Act to cover disbursements in excess of the amount appropriated herein.

SEC. 46. All existing provisions of provincial, city or municipal ordinances or regulations pertaining to examinations for electrical contractors, electrical inspectors or electricians, and all other laws, part of laws, orders, ordinances or regulations in conflict with the provisions of this Act including Act Numbered Twenty-nine hundred and eighty-five, as amended shall be and are hereby repealed.

SEC. 47. This Act shall take effect upon its approval except sections thirty-five to forty, inclusive, which shall take effect one year after this Act becomes effective.

Approved, June 21, 1947.

H. No. 645

## [REPUBLIC ACT No. 185]

## AN ACT AMENDING SECTIONS ONE, FOUR AND FIVE OF COMMONWEALTH ACT NUMBERED SEVEN HUNDRED AND FOUR.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Sections one, four and five of Commonwealth Act Numbered Seven hundred and four are hereby amended to read as follows:

"SEC. 1. The Director of Health shall establish a municipal maternity and charity clinic in every municipality and municipal district wherein no president of sanitary division is permanently stationed, and no puericulture center is established, or if there is such puericulture center, no physician is employed therein: *Provided*, That where an island or part thereof is comprised within the territorial limits of a municipality, the same shall be entitled to a municipal maternity and charity clinic separate and distinct from the one given to the municipality under the provisions of this Act: *And provided, further*, That where a sanitary division consists of one or more municipalities, the municipality wherein the office of the president of sanitary division is not stationed shall be entitled to a maternity clinic provided for in this Act."

"SEC. 4. The physician, registered nurse, or registered midwife appointed in accordance with section two shall receive monthly compensation at the rate of one hundred fifty pesos, one hundred pesos, and seventy pesos, respectively."

"SEC. 5. In any municipality and municipal district in Mindanao and Sulu and the Provinces of Palawan, Mindoro, Samar, Batanes, the Mountain Province, Catanduanes, Marinduque, Masbate and Romblon, the compensation provided in section four of this Act shall be doubled if the physician, registered nurse or registered midwife appointed for the said municipality or municipal district is not a resident thereof at the time of his or her appointment."

SEC. 2. The sum of two million one hundred seventy-five thousand pesos or so much thereof as may be necessary is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, to carry out the purpose of this Act.

SEC. 3. Any law or provision of law inconsistent with this Act is hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 683

[REPUBLIC ACT NO. 186]

AN ACT TO CONSIDER TEACHERS AND OTHER CIVIL SERVICE EMPLOYEES WITH CERTAIN EDUCATIONAL QUALIFICATIONS WHO HAVE BEEN IN THE GOVERNMENT SERVICE CONTINUOUSLY FOR TEN YEARS AS CIVIL SERVICE ELIGIBLES WITHOUT TAKING ANY CIVIL SERVICE EXAMINATION.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any provision of existing laws or regulations to the contrary notwithstanding, all teachers in the public schools who were holders of the degree of Bachelor of Science in Education, in Agriculture or in Commerce, and graduates of the Philippine Normal School or the Philippine School of Arts and Trades at the time they were appointed and who have been in the service continuously for ten successive years to the present time, are considered, to all intent and purposes, civil service eligibles as senior teachers with all the rights and privileges appertaining to the status of permanent employees in the Philippine Government.

Academic and vocational high school graduates at the time they were appointed as teachers and who have been in continuous service for ten successive years are likewise considered civil service eligibles as junior teachers with permanent status.

Teachers who are undergraduates and who have been in continuous service for ten years are considered, to all intents and purposes, regular teachers with permanent status.

SEC. 2. Officials or employees holding civil service positions in any branch of the Government service other than that provided for in the preceding section, continuously for at least ten successive years, shall be considered civil service eligibles with permanent status under the following classification:

*First Grade*—Those with college degrees at the time of appointment;

*Second Grade*—Those who were graduates of academic or vocational high school at the time of their appointments;

*Third Grade*—Those possessing any education at the time of appointment.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 1094

[REPUBLIC ACT No. 187]

AN ACT TO PROVIDE FOR AN ADDITIONAL APPROPRIATION OF FOUR HUNDRED EIGHTY THOUSAND PESOS TO MEET EXPENSES OF ENUMERATION IN A GENERAL CENSUS-TAKING AUTHORIZED BY REPUBLIC ACT NUMBERED THIRTY-SIX.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. In addition to the sum of four hundred eighty thousand pesos already appropriated under Republic Act Numbered Thirty-six, otherwise known as "Census Act of nineteen hundred and forty-six," the sum of four hundred eighty thousand pesos or so much thereof as may be necessary, is hereby appropriated out of any funds in the Philippine Treasury, not otherwise appropriated, to meet the expenses of enumeration, including payments for salaries, wages and traveling expenses of personnel and other incidental expenses incurred in carrying out the provisions of the said "Census Act of nineteen hundred and forty-six."

The sum herein appropriated shall not be released unless and until the Secretary of Finance and the Auditor General shall have certified to the President that there are funds existing and available in excess of the appropriations in the General Appropriation Act for the fiscal year 1948.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1947.

H. No. 619

[REPUBLIC ACT No. 188]

AN ACT CREATING THE MUNICIPALITY OF TUBAY, PROVINCE OF AGUSAN

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The existing barrios of Tubay, La Fraternidad, Tinigbasan, Cabayawa, Victory, Sta. Ana, and Tagmamarcay, in the municipality of Cabadbaran, Province of Agusan, are hereby separated from said municipality and constituted into a new municipality to be known as the municipality of Tubay.

SEC. 2. This Act shall take effect upon the proclamation of the President of the Philippines.

Enacted, without Executive approval, June 22, 1947.

H. No. 741

## [REPUBLIC ACT No. 189]

## AN ACT CHANGING THE NAME OF BARRIO SAMBAT, IN THE MUNICIPALITY OF ROSARIO, PROVINCE OF BATANGAS, TO LUMANGBAYAN.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The name of barrio Sambat, in the municipality of Rosario, Province of Batangas, is hereby changed to Lumangbayan.

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 744

## [REPUBLIC ACT No. 190]

## AN ACT CREATING THE BARRIO OF BUCAL, IN THE MUNICIPALITY OF ROSARIO, PROVINCE OF BATANGAS.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The territory comprising the western half of barrio Maugat, in the municipality of Rosario, Province of Batangas, is hereby segregated from said barrio and constituted into an independent barrio to be known as Bucal.

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 877

## [REPUBLIC ACT No. 191]

## AN ACT CREATING THE MUNICIPALITY OF ISABEL, PROVINCE OF LEYTE

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The barrios of Quiot, Sta. Cruz, Libertad, Matlang, Tolingan, Bantigue, Apale and Jonan are separated from the municipality of Merida, Province of Leyte, and constituted into a new and separate municipality to be known as the municipality of Isabel, Province of Leyte, with the seat of government at the barrio of Quiot.

SEC. 2. The municipal mayor, vice-mayor, and councillors of the new municipality shall be appointed by the President of the Philippines to hold office until their successors are elected and qualified.

SEC. 3. The municipality herein established shall begin to exist on the date fixed in a proclamation to said effect by the President of the Philippines and upon the appointment and qualification of its officers.

SEC. 4. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 921

[REPUBLIC ACT No. 192]

AN ACT TO CREATE THE MUNICIPALITY OF TALALORA IN THE PROVINCE OF SAMAR

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The barrios of Mallorga, Tulac, Talalora, Tatabonan, Navatas, and Navatas Guti are separated from the municipality of Villareal, Province of Samar, and constituted into a new and regular municipality to be known as the municipality of Talalora in the Province of Samar.

SEC. 2. The officials of the newly created municipality shall be appointed by the President, to hold office until their successors have been elected and qualified.

SEC. 3. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 958

[REPUBLIC ACT No. 193]

AN ACT CREATING THE MUNICIPALITY OF GENERAL MACARTHUR IN THE PROVINCE OF SAMAR

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The barrios of Pambujan Sur, Calutan, San Isidro, Vigan, Binalay, Camcueves, Domrog and Pingan of the municipality of Hernani, Province of Samar, are hereby constituted as a separate and independent municipality to be known as General MacArthur.

SEC. 2. The municipal mayor, vice-mayor and councilors of the newly created municipality shall be appointed by the President of the Philippine Republic to hold office until their successor are duly elected and qualified.

SEC. 3. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 1021

[REPUBLIC ACT No. 194]

## AN ACT CREATING THE MUNICIPALITY OF TAGANA-AN, PROVINCE OF SURIGAO

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The barrios of Tagana-an, Banban, Talavera, and Opong, and the sitios of Libas, Kawilan, Diyo, and Gimamaug are separated from the municipality of Placer, Province of Surigao, and constituted into a municipality, to be known as the municipality of Tagana-an in the Province of Surigao.

SEC. 2. Upon the approval of this Act, the President of the Philippines shall appoint the elective officials of the new municipality who shall hold office until their successors shall have been elected and qualified.

SEC. 3. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.

H. No. 1134

[REPUBLIC ACT No. 195]

## AN ACT GRANTING THE "MUNICIPAL GOVERNMENT OF JANIUAY, PROVINCE OF ILOILO" A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN SAID MUNICIPALITY.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to the "Municipal Government of Janiuay, Province of Iloilo," for a period of twenty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate an electric light, heat and/or power system for sale within the limits of the municipality of Janiuay, Province of Iloilo.

SEC. 2. The franchise granted to Janiuay Electric Light Co., Inc., by the municipality of Janiuay, to operate an electric light, heat and/or power system in said municipality, is hereby repealed.

SEC. 3. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1947.